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STATE OF WASHINGTON

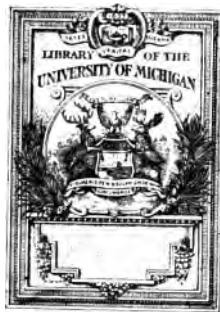
ENABLING ACT
AND
STATE CONSTITUTION

WITH

SIDE NOTES AND INDEX.

PUBLISHED BY AUTHORITY OF THE
SUPERINTENDENT OF PUBLIC INSTRUCTION.

OLYMPIA, WASHINGTON.
BLANKENSHIP-SATTERLEE COMPANY
1905



**PRESENTED BY
THE PUBLISHER**

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STATE OF WASHINGTON

ENABLING ACT
AND
STATE CONSTITUTION

WITH

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Washington Constitution

PUBLISHED BY AUTHORITY OF THE
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ENABLING ACT.

An Act to provide for the division of Dakota into two states and to enable the people of North Dakota, South Dakota, Montana and Washington to form constitutions and state governments and to be admitted into the Union on an equal footing with the original states, and to make donations of public lands to such states.

Section 1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled: That the inhabitants of all that part of the area of the United States now constituting the Territories of Dakota, Montana and Washington, as at present described, may become the States of North Dakota, South Dakota, Montana and Washington, respectively, as hereinafter provided.

What territories may be admitted.

Sec. 2. The area comprising the Territory of Dakota shall, for the purpose of this act, be divided on the line of the seventh standard parallel produced due west to the western boundary of said territory; and the delegates elected as hereinafter provided to the constitutional convention in districts north of said parallel shall assemble in convention, at the time prescribed in this act, at the city of Bismarck; and delegates elected in districts south of said parallel shall, at the same time, assemble in convention at the city of Sioux Falls.

Division of Dakota.

Sec. 3. That all persons who are qualified by the laws of said territories to vote for representatives to the legislative assemblies thereof, are hereby authorized to vote for and choose delegates to form conventions in said proposed states; and the qualifications for delegates to such conventions shall be such as by the laws of said territories, respectively, persons are required to possess to be eligible to the legislative assemblies thereof; and the aforesaid delegates to form said conventions shall be appointed within the limits of the proposed states, in such districts as may be established as herein provided, in proportion to the population of each of such counties and districts, as near as may be, to be ascertained at the time of making said apportionments by the persons hereinafter authorized to make the same, from the best information obtainable, in each of which districts three delegates shall be elected, but no elector shall vote for more than two persons for delegates to such conventions; that said apportionments shall be made by the governor, and chief justice, and the secretary of said territories; and the governors of said territories shall, by proclamation, or

Qualifications of electors and delegates.

Choosing delegates.

Number of delegates.	<p>der an election of the delegates aforesaid in each of said proposed states, to be held on the Tuesday after the second Monday in May, eighteen hundred and eighty-nine, which proclamation shall be issued on the fifteenth day of April, eighteen hundred and eighty-nine; and such election shall be conducted, the returns made, the result ascertained, and the certificates to persons elected to such convention issued in the same manner as is prescribed by laws of said territories regulating elections therein for delegates to congress; and the number of votes cast for delegates in each precinct shall also be returned. The number of delegates to said conventions, respectively, shall be seventy-five; and all persons residents in said proposed states, who are qualified voters of said territories as herein provided, shall be entitled to vote upon the election of delegates, and under such rules and regulations as said conventions may prescribe, not in conflict with this act, upon the ratification or rejection of the constitutions.</p>
Constitutional conventions, where held: when.	<p>Sec. 4. That the delegates to the conventions elected as provided for in this act shall meet at the seat of government of each of said territories, except the delegates elected in South Dakota, who shall meet at the city of Sioux Falls, on the fourth day of July, eighteen hundred and eighty-nine, and, after organization, shall declare, on behalf of the people of said proposed states, that they adopt the constitution of the United States; whereupon the said conventions shall be, and are hereby, authorized to form constitutions and state governments for said proposed states, respectively. The constitutions shall be republican in form, and make no distinction in civil or political rights on account of race or color, except as to Indians not taxed, and not be repugnant to the constitution of the United States and the principles of the Declaration of Independence. And said convention shall provide, by ordinance irrevocable without the consent of the United States and people of said</p>
Religious toleration.	<p>states: First: That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said states shall ever be molested in person or property on account of his or her mode of religious worship. Second: That the people inhabiting said proposed states do agree and declare that they forever dis-</p>
Unappropriated lands, ownership of must be disclaimed.	<p>claim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian or Indian tribes; and that until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the congress of the United States; that the lands belonging to the citizens of the United states residing without the said state shall never be taxed at</p>
Taxation.	<p>a higher rate than the lands belonging to residents thereof; that</p>

no taxes shall be imposed by the states on lands or property therein belonging to or which may hereafter be purchased by the United States or reserved for its use. But nothing herein, or in the ordinances herein provided for, shall preclude the said states from taxing, as other lands are taxed, any lands owned or held by any Indian who has served his tribal relations, and has obtained from the United States or any person a title thereto, by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of congress containing a provision exempting the lands thus granted from taxation; but said ordinances shall provide that all such lands shall be exempt from taxation by said states so long and to such extent as such act of congress may prescribe.

Third: That the debts and liabilities of said territories shall be assumed and paid by said states, respectively. ^{Debts of territories.} Fourth: That provision shall be made for the establishment and maintenance of systems of public schools, which shall be open to all the children of said states and free from sectarian control. ^{Schools, free and sectarian control.}

Sec. 5. That the convention which shall assemble at Bismarck shall form a constitution and state government for a state to be known as North Dakota, and the convention which shall assemble at Sioux Falls shall form a constitution and state government for a state to be known as South Dakota; Provided, That at the election for delegates to the constitutional convention in South Dakota, as hereinbefore provided, each elector may have written or printed on his ballot the words "For the Sioux Falls Constitution," or the words "Against the Sioux Falls Constitution," and the votes on this question shall be returned and canvassed in the same manner as for the election provided for in section three of this act; and if a majority of all votes cast on this shall be "For the Sioux Falls Constitution," it shall be the duty of the convention which may assemble at Sioux Falls, as herein provided, to re-submit to the people of South Dakota, for ratification or rejection at the election hereinafter provided for in this act, the constitution framed at Sioux Falls, and adopted November third, eighteen hundred and eighty-five, and also the articles and propositions separately submitted at that election, including the question of locating the temporary seat of government, with such changes only as relate to the name and boundary of the proposed state, to the re-apportionment of the judicial and legislative districts, and such amendments as may be necessary in order to comply with the provisions of this act, and if a majority of the votes cast on the ratification or rejection of the constitution shall be for the constitution, irrespective of the articles separately submitted, the State of South Dakota shall be admitted as a state in the Union under said constitution as hereinafter provided; but the archives, records, and books of the Territory of Dakota, until ^{Conventions in Dakota.} ^{Constitution for South Dakota.} ^{Archives of Dakota.}

an agreement in reference thereto is reached by the states. But if at the election for delegates to the constitutional convention in South Dakota a majority of all the votes cast at that election shall be "Against the Sioux Falls Constitution," then and in that event it shall be the duty of the convention which will assemble at the City of Sioux Falls on the fourth day of July, eighteen hundred and eighty-nine, to proceed to form a constitution and state government as provided in this act the same as if that question had not been submitted to a vote of the people of South Dakota.

Public property of Dakota division of.

Sec. 6. It shall be the duty of the constitutional conventions of North Dakota and South Dakota to appoint a joint commission, to be composed of not less than three members of each convention, whose duty it shall be to assemble at Bismarck, the present seat of government of said territory, and agree upon an equitable division of all property belonging to the Territory of Dakota, the disposition of all public records, and also adjust and agree upon the amount of the debts and liabilities of the territory which shall be assumed and paid by each of the proposed states of North Dakota and South Dakota; and the agreement reached respecting the territorial debts and liabilities shall be incorporated in the respective constitutions, and each of said states shall obligate itself to pay its portion of such debts and liabilities the same as if they had been created by such states respectively.

Convention to be reconvened in case of rejection of constitution

Sec. 7. If the constitutions formed for both North Dakota and South Dakota shall be rejected by the people at the elections for the ratification or rejection of their respective constitutions as provided for in this act, the territorial government of Dakota shall continue in existence the same as if this act had not been passed. But if the constitution formed for either North or South Dakota shall be rejected by the people, that part of the territory so rejecting its proposed constitution shall continue under the territorial government of the present Territory of Dakota, but shall, after the state adopting its constitution is admitted into the Union, be called by the name of the Territory of North Dakota, or South Dakota, as the case may be: Provided, That if either of the proposed states provided for in this act shall reject the constitution which may be submitted for ratification or rejection at the election provided therefor, the governor of the territory in which such proposed constitution was rejected shall issue his proclamation reconvening the delegates elected to the convention which formed such rejected constitution, fixing the time and place at which said delegates shall assemble; and when so assembled they shall proceed to form another constitution or to amend the rejected constitution, and shall submit such new constitution or amended constitution to the people of the proposed state for ratification or rejection, at such time

ENABLING ACT.

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as such convention may determine; and all the provisions of this act, so far as applicable, shall apply to such convention so re-assembled and to the constitution which may be formed, its ratification or rejection, and to the admission of the proposed state.

Sec. 8. That the constitutional convention which may assemble in South Dakota shall provide by ordinance for resubmitting the Sioux Falls constitution of eighteen hundred and eighty-five, after having amended the same as provided in section five of this act, to the people of South Dakota for ratification or rejection at an election to be held therein on the first Tuesday in October, eighteen hundred and eighty-nine, but if said constitutional convention is authorized and required to form a new constitution for South Dakota, it shall provide for submitting the same in like manner to the people of South Dakota for ratification or rejection at an election to be held in said proposed state on the said first Tuesday in October. And the constitutional conventions which may assemble in North Dakota, Montana and Washington shall provide in like manner for submitting the constitutions formed by them to the people of said proposed states, respectively, for ratification or rejection at elections to be held in said proposed states on said first Tuesday in October. At the elections provided in this section the qualified voters of said proposed states shall vote directly for or against the proposed constitutions and for or against any articles or propositions separately submitted. The returns of said elections shall be made to the secretary of each of said territories, who, with the governor and chief justice thereof, or any two of them, shall canvass the same; and if a majority of the legal votes cast shall be for the constitution the governor shall certify the result to the president of the United States together with a statement of the votes cast thereon and upon separate articles or propositions, and a copy of said constitution, articles, propositions, and ordinances. And if the constitutions and governments of said proposed states are republican in form, and if all the provisions of this act have been complied with in the formation thereof, it shall be the duty of the president of the United States to issue his proclamation announcing the result of the election in each, and thereupon the proposed states which have adopted constitutions and formed state governments as herein provided shall be deemed admitted by congress into the Union, under and by virtue of this act, on an equal footing with the original states, from and after the date of said proclamation.

Convention of South Dakota shall submit Sioux Falls constitution.

Elections in North Dakota, Montana and Washington to vote on adoption of constitutions.

Election returns.

Governors to certify returns.

President to issue proclamation.

Sec. 9. That until the next general census, or until otherwise provided by law, said states shall be entitled to one representative in the house of representatives of the United States, except South Dakota, which shall be entitled to two; and the representatives to the fifty-first congress, together with the gov-

Representatives in congress.

Election of
representa-
tives and state
officers.

ernors and other officers provided for in said constitutions, may be elected on the same day of the elections for the ratification or rejection of the constitutions; and until said state officers are elected and qualified under the provisions of each constitution and the states, respectively, are admitted into the Union, the territorial officers shall continue to discharge the duties of their respective offices in each of said territories.

School lands.

Sec. 10. That upon the admission of each of said states into the Union, sections numbered sixteen and thirty-six in every township of said proposed states, and where such section, or any part thereof, have been sold or otherwise disposed of by or under the authority of an act of congress, other lands equivalent thereto, in legal subdivisions of not less than one-quarter section, and as contiguous as may be to the section in lieu of which the same is taken, are hereby granted to said states for the support of common schools, such indemnity lands to be selected within said states in such manner as the legislature may provide, with the approval of the secretary of the interior: Provided: That the sixteenth and thirty-sixth sections embraced in permanent reservations for national purposes shall not, at any time, be subject to the grants nor to the indemnity provisions of this act, nor shall any lands embraced in Indian, military, or other reservations of any character, be subject to the grants or to the indemnity provisions of this act until the reservation shall have been extinguished and such lands be restored to, and become a part of, the public domain.

Disposal of
school lands;
minimum
price.

Sec. 11. That all lands herein granted for educational purpose shall be disposed of only at public sale, and at a price not less than ten dollars per acre, the proceeds to constitute a permanent school fund, the interest of which only shall be expended in the support of said schools. But said lands may, under such regulation as the legislatures shall prescribe, be leased for periods of not more than five years, in quantities not exceeding one section to any one person or company; and such land shall not be subject to pre-emption, homestead entry, or any other entry under the land laws of the United States, whether surveyed or unsurveyed, but shall be reserved for school purposes only.

Lands donated
for public
buildings.

Sec. 12. That upon the admission of each of said states into the Union, in accordance with the provisions of this act, fifty sections of the unappropriated public lands within said states, to be selected and located in legal subdivisions, as provided in section ten of this act, shall be, and are hereby, granted to the states for the purpose of erecting public buildings at the capital of said states for legislative, executive and judicial purposes.

School fund;
5 per cent of
proceeds from
sale of lands.

Sec. 13. That five per centum of the proceeds of the sales of public lands lying within said states which shall be sold by the United States subsequent to the admission of said states into the Union, after deducting all the expenses incident to the

same, shall be paid to the said states, to be used as a permanent fund, the interest of which only shall be expended for the support of common schools within said states, respectively.

Sec. 14. That the lands granted to the territories of Dakota and Montana by the act of February eighteenth, eighteen hundred and eighty-one, entitled "An act to grant lands to Dakota, Montana, Arizona, Idaho and Wyoming for university purposes," are hereby vested in the states of South Dakota, North Dakota and Montana, respectively, if such states are admitted into the Union, as provided in this act, to the extent of full quantity of seventy-two sections to each of said states, and any portion of said land that may have been selected by either of said territories of Dakota or Montana may be selected by the respective states aforesaid; but said act of February eighteenth, eighteen hundred and eighty-one, shall be so amended as to provide that none of said lands shall be sold for less than ten dollars per acre, and the proceeds shall constitute a permanent fund to be safely invested and held by said states severally, and the income thereof be used exclusively for university purposes. And such quantity of the lands authorized by the fourth section of this act of July seventeenth, eighteen hundred and fifty-four, to be reserved for university purposes in the Territory of Washington, as, together with the lands confirmed to the vendees of the territory by the act of March fourteenth, eighteen hundred and sixty-four, will make the full quantity of seventy-two entire sections, are hereby granted in like manner to the State of Washington for the purpose of a university in said state. None of the lands granted in this section shall be sold at less than ten dollars per acre; but said lands may be leased in the same manner as provided for in section eleven of this act. The schools, colleges and universities provided for in this act shall forever remain under the exclusive control of said states, respectively, and no part of the proceeds arising from the sale or disposal of any lands herein granted for educational purposes shall be for the support of any sectarian or denominational school, college or university. The section of land granted by the act of June sixteenth, eighteen hundred and eighty, to the Territory of Dakota for an asylum for the insane shall, upon the admission of said State of South Dakota into the Union, become the property of said state.

University
lands in Wash-
ington.

Sec. 15. That so much of the lands belonging to the United States as have been acquired and set apart for the purpose mentioned in "An act appropriating money for the erection of a penitentiary in the Territory of Dakota," approved March second, eighteen hundred and eighty-one, together with the buildings thereon, be and the same is hereby granted, together with any unexpended balances of money appropriated therefor, by said act, to the said State of South Dakota, for the purposes therein designated; and the states of North Dakota and Wash-

Penitentiary
lands.



ington shall, respectively, have like grants for the same purpose, and subject to like terms and conditions as provided in said act of March second, eighteen hundred and eighty-one, for the Territory of Dakota. The penitentiary at Deer Lodge City, Montana, and all lands connected therewith and set apart and reserved therefor, are hereby granted to the State of Montana.

Agricultural college lands.

Sec. 16. That ninety thousand acres of land, to be selected and located as provided in section ten of this act, are hereby granted to each of said states, except to the State of South Dakota, to which one hundred and twenty thousand acres are granted, for the use and support of agricultural colleges in said states, as provided in the act of congress making donations of lands for such purposes.

Lands granted in lieu of swamp lands to South Dakota.

Sec. 17. That in lieu of the grant of land for purposes of internal improvements made to new states by the eighth section of the act of September fourth, eighteen hundred and forty-one, which act is hereby repealed as to the states provided for by this act, and in lieu of any claim or demand by the said states, or either of them, under the act of September twenty-eight, eighteen hundred and fifty, and section twenty-four hundred and seventy-nine of the revised statutes, making a grant of swamp and overflowed lands to certain states, which grant it is hereby declared is not extended to the states provided for in this act, and in lieu of any grant of saline lands to said states, the following grants of lands are hereby made, to-wit: To the State of South Dakota: For the school of mines, forty thousand acres; for the reform school, forty thousand acres; for the deaf and dumb asylum, forty thousand acres; for the agricultural college, forty thousand acres; for the university, forty thousand acres; for state normal schools, eighty thousand acres; for public buildings at the capital of said state, fifty thousand acres, and for such other educational and charitable purposes as the legislature of said state may determine, one hundred and seventy thousand acres; in all five hundred thousand acres.

To North Dakota.

To the State of North Dakota a like quantity of land as in this section granted to the State of South Dakota; and to be for like purposes, and in like proportion as far as practicable. To the State of Montana: For the

To Montana.

establishment and maintenance of a school of mines, one hundred thousand acres; for state normal schools, one hundred thousand acres; for agricultural colleges, in addition to the grant hereinbefore made for that purpose, fifty thousand acres; for the establishment of a state reform school, fifty thousand acres; for the establishment of a deaf and dumb asylum, fifty thousand acres; for public buildings at the capital of the state, in addition to the grant hereinbefore made for that purpose, one hundred and fifty thousand acres. To the State of Washington: For the establishment and maintenance of a scientific

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school, one hundred thousand acres; for state normal schools, one hundred thousand acres; for public buildings at the state capital, in addition to the grant hereinbefore made for that purpose, one hundred thousand acres; for state charitable, educational, penal and reformatory institutions, two hundred thousand acres. That the states provided for in this act shall not be entitled to any further or other grants of land for any purpose than as expressly provided in this act. And the lands granted by this section shall be held, appropriated and disposed of exclusively for the purposes herein mentioned, in such manner as the legislatures of the respective states may severally provide.

Sec. 18. That all mineral lands shall be exempted from the grants made by this act. But if sections sixteen and thirty-six or any subdivisions or portion of any smallest subdivision thereof in any township shall be found by the department of the interior to be mineral lands, said states are hereby authorized and empowered to select, in legal subdivisions, an equal quantity of other unappropriated lands in said states, in lieu thereof, for the use and benefit of the common schools of said states.

Sec. 19. That all lands granted in quantity or as indemnity by this act shall be selected, under the direction of the secretary of the interior, for the surveyed, unreserved and unappropriated public lands of the United States within the limits of the respective states entitled thereto. And there shall be deducted from the number of acres of land donated by this act for specific objects to said states the number of acres in each heretofore donated by congress to said territories for similar objects.

Sec. 20. That the sum of twenty thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the treasury not otherwise appropriated, to each of said territories for defraying the expenses of the said conventions except to Dakota, for which the sum of forty thousand dollars is so appropriated, twenty thousand dollars each for South Dakota and North Dakota, and for the payment of the members thereof, under the same rules and regulations and at the same rates are now provided by law for the payment of the territorial legislatures. Any money hereby appropriated not necessary for such purpose shall be converted into the treasury of the United States.

Sec. 21. That each of said states, when admitted as aforesaid, shall constitute one judicial district, the names thereof to be the same as the names of the states, respectively; and the circuit and district courts therefore shall be held at the capital of such state for the time being, and each of said districts shall, for judicial purposes, until otherwise provided, be attached to the eighth judicial circuit, except Washington and Montana, which shall be attached to the ninth judicial circuit. There shall be ap-

To Washington, for maintenance of normal schools, etc.

Grants do not apply to mineral lands.

Lieu school lands.

Granted lands how selected.

Expenses of constitutional conventions.

U. S. circuit and district courts, officers and compensation of officers for.

pointed for each of said districts one district judge, one United States attorney, and one United States marshal. The judge of each of said districts shall receive a yearly salary of three thousand five hundred dollars, payable in four equal installments, on the first day of January, April, July and October of each year, and shall reside in the district. There shall be appointed clerks of said courts in each district, who shall keep their offices at the capital of said state. The regular terms of said courts shall be held in each district, the place aforesaid, on the first Monday in April and the first Monday in November of each year, and only one grand jury and one petit jury shall be summoned in both said circuit and district courts. The circuit and district courts for each of said districts, and the judges thereof, respectively, shall possess the same powers and jurisdiction, and perform the same duties required to be performed by the other circuit and district courts and judges of the United States, and shall be governed by the same laws and regulations. The marshal, district attorney and clerks of the circuit and district courts, of each of said districts, and all other officers and persons performing duties in the administration of justice therein, shall severally possess the powers and perform the duties lawfully possessed and required to be performed by similar officers in other districts of the United States; and shall, for the services they may perform, receive the fees and compensation allowed by law to other similar officers and persons performing similar duties in the State of Nebraska.

Courts, and
proceedings in.

Sec. 22. That all cases of appeal or writ of error heretofore prosecuted and now pending in the supreme court of the United States upon any record from either of said courts, may be heard and determined by the supreme court of the United States. And the mandate of execution or of further proceedings shall be directed by the supreme court of the United States to the circuit or district court hereby established within the state succeeding the territory from which such record is or may be pending, or to the supreme court of such state, as the nature of the case may require: Provided: That the mandate of execution or of further proceedings shall, in cases arising in the Territory of Dakota, be directed by the supreme court of the United States to the circuit or district court of the district of South Dakota, or to the supreme court of the State of South Dakota, or to the circuit or district court of the district of North Dakota, or to the supreme court of the State of North Dakota, or to the supreme court of the Territory of North Dakota, as the nature of the case may require. And each of the circuit, district and state courts, herein named, shall, respectively, be the successor of the supreme court of the territory, as to all such cases arising within the limits embraced within the jurisdiction of such courts,

And

respectively, with full power to proceed with the same, and award mesne of final process therein; and that from all judgments and decrees of the supreme court of either of the territories mentioned in this act, in any case arising within the limits of any of the proposed states prior to admission, the parties to such judgment shall have the same right to prosecute appeals and writs of error to the supreme court of the United States as they shall have had by law prior to the admission of said state into the Union.

Sec. 23. That in respect to all cases, proceedings and matters now pending in the supreme or district courts of either of the territories mentioned in this act, at the time of the admission into the Union of either of the states mentioned in this act, and arising within the limits of any such state, whereof the circuit or district courts by this act established might have had jurisdiction under the laws of the United States had such courts existed at the time of the commencement of such cases, the said circuit and district courts, respectively, shall be the successors of said supreme and district courts of said territory; and in respect to all other cases, proceedings and matters pending in the supreme and district courts of any of the territories mentioned in this act at the time of admission of such territory into the Union, arising within the limits of said proposed state, the courts established by such state shall, respectively, be the successor of said supreme and district territorial courts; and all the files, records, indictments, and proceedings relating to such cases, shall be transferred to such circuit, district and state courts, respectively, and the same shall be proceeded with therein in due course of law; but no writ, action, indictment, cause or proceeding now pending, or that, prior to the admission of any of the states mentioned in this act, shall be pending in any territorial court in any of the territories mentioned in this act, shall abate by the admission of any such state into the Union, but the same shall be transferred and proceeded with in the proper United States circuit, district or state court, as the case may be: Provided, however, That in all civil actions, causes, and proceedings, in which the United States is not a party, transfer shall not be made to the circuit and district courts of the United States, except upon written request of one of the parties to such action or proceeding filed in the proper court; and in the absence of such request such cases shall be proceeded with in the proper state courts.

Sec. 24. That the constitutional conventions may, by ordinance, provide for the election of officers for full state governments, including members of the legislature and representatives in the fifty-first congress; but said state governments shall remain in abeyance until the state shall be admitted into the Union, respectively, as provided in this act. In case the consti-

Courts, and
proceedings
in.

Election of
state officers.

State govern-
ment to re-
main in abey-
ance until
state is ad-
mitted.

Election of
U. S. senators.

tution of any of the said proposed states shall be ratified by the people, but not otherwise, the legislature thereof may assemble, organize and elect two senators of the United States; and the governor and secretary of state of such proposed state shall certify the election of the senators and representatives in the manner required by law; and when such state is admitted into the Union, the senators and representatives shall be entitled to be admitted to seats in congress, and to all the rights and privileges of senators and representatives of other states in the congress of the United States; and the officers of the state governments formed in pursuance of said constitutions, as provided by the constitutional conventions, shall proceed to exercise all the functions of such state officers; and all laws in force made by said territories at the time of their admission into the Union, shall be in force in said state, except as modified or changed by this act or by the constitutions of the states, respectively.

Sec. 25. That all acts or parts of acts in conflict with the provisions of this act, whether passed by the legislatures of said territories or by congress, are hereby repealed.

Approved February 22, 1889.

CONSTITUTION.

PREAMBLE.

WE, THE PEOPLE OF THE STATE OF WASHINGTON, GRATEFUL TO THE
SUPREME RULER OF THE UNIVERSE FOR OUR LIBERTIES,
DO ORDAIN THIS CONSTITUTION.

ARTICLE I.—DECLARATION OF RIGHTS.

Section 1. All political power is inherent in the people, Political
and governments derive their just powers from the consent of Power.
the governed, and are established to protect and maintain
individual rights.

Sec. 2. The Constitution of the United States is the su- Supreme law.
preme law of the land.

Sec. 3. No person shall be deprived of life, liberty or prop- Right of trial.
erty without due process of law.

Sec. 4. The right of petition, and of the people peaceably Right of peti-
to assemble for the common good, shall never be abridged. tion.

Sec. 5. Every person may freely speak, write and publish Free speech
on all subjects, being responsible for the abuse of that right. guaranteed.

Sec. 6. The mode of administering an oath, or affirmation, Oaths, how ad-
shall be such as may be consistent with and binding upon the ministered.
conscience of the person to whom such oath, or affirmation, may
be administered.

Sec. 7. No person shall be disturbed in his private affairs, Private affairs
or his home invaded, without authority of law. sacred.

Sec. 8. No law granting irrevocably any privilege, fran-
chise or immunity shall be passed by the legislature.

Sec. 9. No person shall be compelled in any criminal case Immunity
to give evidence against himself, or be twice put in jeopardy from self
for the same offense. conviction.

Sec. 10. Justice in all cases shall be administered openly,
and without unnecessary delay.

Sec. 11. Absolute freedom of conscience in all matters of Religious
religious sentiment, belief and worship, shall be guaranteed liberty.
to every individual, and no one shall be molested or disturbed
in person or property on account of religion, but the liberty of
conscience hereby secured shall not be so construed as to
excuse acts of licentiousness, or justify practices inconsistent
with the peace and safety of the state. No public money or
property shall be appropriated for or applied to any religious
worship, exercise or instruction, or the support of any relig-

ious establishment. No religious qualification shall be required for any public office or employment, nor shall any person be incompetent as a witness or juror in consequence of his opinion on matters of religion, nor be questioned in any court of justice touching his religious belief to effect the weight of his testimony.

Special privileges shall not be granted.

Sec. 12. No law shall be passed granting to any citizen, class of citizens, or corporation other than municipal, privileges or immunities which upon the same terms shall not equally belong to all citizens or corporations.

Writ of habeas corpus.

Sec. 13. The privilege of the writ of habeas corpus shall not be suspended unless in case of rebellion or invasion the public safety requires it.

Excessive bail.

Sec. 14. Excessive bail shall not be required, excessive fines imposed, nor cruel punishment inflicted.

Sec. 15. No conviction shall work corruption of blood, nor forfeiture of estate.

Taking of private property.

Sec. 16. Private property shall not be taken for private use, except for private ways of necessity, and for drains, flumes or ditches on or across the lands of others for agricultural, domestic or sanitary purposes. No private property shall be taken or damaged for public or private use without just compensation having been first made, or paid into court for the owner, and no right-of-way shall be appropriated to the use of any corporation other than municipal, until full compensation therefor be first made in money, or ascertained and paid into the court for the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived as in other civil cases in courts of record, in the manner prescribed by law. Whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public shall be a judicial question, and determined as such without regard to any legislative assertion that the use is public.

No imprisonment for debt.

Sec. 17. There shall be no imprisonment for debt, except in cases of absconding debtors.

Military subordinate.

Sec. 18. The military shall be in strict subordination to the civil power.

Elections be free and equal.

Sec. 19. All elections shall be free and equal, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

Bail.

Sec. 20. All persons charged with crime shall be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great.

Right of trial by jury.

Sec. 21. The right of trial by jury shall remain inviolate, but the legislature may provide for a jury of any number less than twelve in courts not of record, and for a verdict of nine

or more jurors in civil cases in any court of record, and for waiving of the jury in civil cases where the consent of the parties interested is given thereto.

Sec. 22. In criminal prosecutions, the accused shall have the right to appear and defend in person and by counsel, to demand the nature and cause of the accusation against him, to have a copy thereof, to testify in his own behalf, to meet the witnesses against him face to face, to have compulsory process to compel the attendance of witnesses in his own behalf, to have a speedy public trial by an impartial jury of the county in which the offense is alleged to have been committed, and the right to appeal in all cases; and in no instance shall any accused person before final judgment be compelled to advance money or fees to secure the rights herein guaranteed. Right of defense in court. Right of appeal.

Sec. 23. No bill of attainder, ex post facto law, or law impairing the obligations of contracts shall ever be passed. Ex post facto law.

Sec. 24. The right of the individual citizen to bear arms in defense of himself or the state shall not be impaired, but nothing in this section shall be construed as authorizing individuals or corporations to organize, maintain or employ an armed body of men. Right to bear arms.

Sec. 25. Offenses heretofore required to be prosecuted by indictment may be prosecuted by information or by indictment as shall be prescribed by law. Prosecution by information.

Sec. 26. No grand jury shall be drawn or summoned in any county, except the superior judge thereof shall so order. Grand jury.

Sec. 27. Treason against the state shall consist only in levying war against the state, or adhering to its enemies, or in giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or confession in open court. Treason.

Sec. 28. No hereditary emoluments, privileges or powers shall be granted or conferred in this state.

Sec. 29. The provisions of this constitution are mandatory unless by express words they are declared to be otherwise. Constitution mandatory.

Sec. 30. The enumeration in this constitution of certain rights shall not be construed to deny others retained by the people.

Sec. 31. No standing army shall be kept up by this state in time of peace, and no soldiers shall in time of peace be quartered in any house without the consent of its owner, nor in time of war except in the manner prescribed by law. Standing army.

Sec. 32. A frequent recurrence to fundamental principles is essential to the security of individual right and the perpetuity of free government.

ARTICLE II.—LEGISLATIVE DEPARTMENT.

Section 1. The legislative powers shall be vested in a Senate and House of Representatives. Legislature.

ate and House of Representatives, which shall be called the Legislature of the State of Washington.

Limited membership.

Sec. 2. The House of Representatives shall be composed of not less than sixty-three nor more than ninety-nine members. The number of senators shall not be more than one-half nor less than one-third of the number of members of the House of Representatives. The first Legislature shall be composed of seventy members of the House of Representatives and thirty-five Senators.

State census.

Sec. 3. The Legislature shall provide by law for an enumeration of the inhabitants of the state in the year one thousand eight hundred and ninety-five, and every ten years thereafter; and at the first session after such enumeration, and also after each enumeration made by the authority of the United States, the Legislature shall apportion and district anew the members of the Senate and House of Representatives, according to the number of inhabitants, excluding Indians not taxed, soldiers, sailors and officers of the United States army and navy in active service.

First election of representatives.

Sec. 4. Members of the House of Representatives shall be elected in the year eighteen hundred and eighty-nine, at the time and in the manner provided by this constitution, and shall hold their offices for the term of one year and until their successors shall be elected.

Tenure of office.

Second and subsequent elections.

Sec. 5. The next election of the members of the House of Representatives after the adoption of this constitution shall be on the first Tuesday after the first Monday of November, eighteen hundred and ninety, and thereafter members of the House of Representatives shall be elected biennially, and their term of office shall be two years; and each election shall be on the first Tuesday after the first Monday in November, unless otherwise changed by law.

Election of state senators.

Sec. 6. After the first election the senators shall be elected by single districts of convenient and contiguous territory at the same time and in the same manner as members of the House of Representatives are required to be elected, and no representative district shall be divided in the formation of a senatorial district. They shall be elected for the term of four years, one-half of their number retiring every two years. The senatorial districts shall be numbered consecutively, and the senators chosen at the first election had by virtue of this constitution, in odd numbered districts, shall go out of office at the end of the first year, and the senators elected in the even numbered districts shall go out of office at the end of the third year.

Eligibility.

Sec. 7. No person shall be eligible to the Legislature who shall not be a citizen of the United States and a qualified voter in the district for which he is chosen.

Sec. 8. Each House shall be the judge of the election, re-^{Election re-}
turns, and qualifications of its own members, and a majority ^{turns.}
of each House shall constitute a quorum to do business, but a ^{Quorum.}
smaller number may adjourn from day to day and may compel
the attendance of absent members in such manner and under
such penalties as each House may provide.

Sec. 9. Each House may determine the rules of its own ^{Rules.}
proceedings, punish for contempt and disorderly behavior, and,
with the concurrence of two-thirds of all the members elected,
expel a member, but no member shall be expelled a second
time for the same offense.

Sec. 10. Each House shall elect its own officers, and when ^{Officers of}
the Lieutenant Governor shall not attend as president, or shall ^{each house}
act as Governor, the Senate shall choose a temporary president.
When presiding, the Lieutenant Governor shall have the decid-
ing vote in case of an equal division of the Senate.

Sec. 11. Each House shall keep a journal of its proceedings ^{Journal.}
and publish the same, except such parts as require secrecy.
The doors of each House shall be kept open, except when the
public welfare shall require secrecy. Neither House shall ^{Adjournment.}
adjourn for more than three days, nor to any place other than
that in which they may be sitting, without the consent of the
other.

Sec. 12. The first Legislature shall meet on the first Wed-^{Meetings of}
nesday after the first Monday in November, A. D. 1889. The ^{the legislature.}
second Legislature shall meet on the first Wednesday after the
first Monday in January, A. D. 1891, and sessions of the Legis-
lature will be held biennially thereafter, unless specially con-
vened by the Governor, but the times of meeting of subsequent
sessions may be changed by the Legislature. After the first ^{Limit of ses-}
Legislature the sessions shall not be more than sixty days. ^{sion.}

Sec. 13. No member of the Legislature, during the term ^{Ineligibility of}
for which he is elected, shall be appointed or elected to any ^{members to}
civil office in the state, which shall have been created, or the ^{certain offices.}
emoluments of which shall have been increased, during the
term for which he was elected.

Sec. 14. No person, being a member of Congress, or holding ^{Who are ineli-}
any civil or military office under the United States or any other ^{gible to mem-}
power, shall be eligible to be a member of the Legislature; and ^{bership in}
if any person after his election as a member of the Legislature ^{legislature.}
shall be elected to Congress or be appointed to any other office,
civil or military, under the government of the United States,
or any other power, his acceptance thereof shall vacate his
seat: Provided, That officers of the militia of the state who
receive no annual salary, local officers and postmasters, whose
compensation does not exceed three hundred dollars per annum,
shall not be ineligible.

Sec. 15. The Governor shall issue writs of election to fill ^{Vacancies.}

Immunity from arrest.	such vacancies as may occur in either house of the Legislature. Sec. 16. Members of the Legislature shall be privileged from arrest in all cases except treason, felony and breach of the peace; they shall not be subject to any civil process during the session of the Legislature, nor for fifteen days next before the commencement of each session.
Free speech.	Sec. 17. No member of the Legislature shall be liable in any civil action or criminal prosecution whatever for words spoken in debate.
Style of laws.	Sec. 18. The style of the laws of the state shall be: "Be it enacted by the Legislature of the State of Washington." And no law shall be enacted except by bill.
But one subject in bill.	Sec. 19. No bill shall embrace more than one subject, and that shall be expressed in the title.
Either house may amend.	Sec. 20. Any bill may originate in either house of the Legislature, and a bill passed by one house may be amended in the other.
Yeas and nays.	Sec. 21. The yeas and nays of the members of either house shall be entered on the journal on the demand of one-sixth of the members present.
Yeas and nays in passage of bill.	Sec. 22. No bill shall become a law unless on its final passage the vote be taken by yeas and nays, the names of the members voting for and against the same be entered on the journal of each house, and a majority of the members elected to each house be recorded thereon as voting in its favor.
Compensation of members.	Sec. 23. Each member of the Legislature shall receive for his services five dollars for each day's attendance during the session, and ten cents for every mile he shall travel in going to and returning from the place of meeting of the Legislature, on the most usual route.
Lottery.—Divorce.	Sec. 24. The Legislature shall never authorize any lottery or grant any divorce.
Extra compensation forbidden.	Sec. 25. The Legislature shall never grant any extra compensation to any public officer, agent, servant or contractor after the services shall have been rendered or the contract entered into, nor shall the compensation of any public officer be increased or diminished during his term of office.
Suit against state.	Sec. 26. The Legislature shall direct by law in what manner and in what courts suits may be brought against the state.
	Sec. 27. In all elections by the Legislature the members shall vote viva voce, and their votes shall be entered on the journal.

SPECIAL LEGISLATION.

Private laws forbidden in certain cases.	<p>Sec. 28. The Legislature is prohibited from enacting any private or special law in the following cases:</p> <ol style="list-style-type: none"> 1. For changing the names of persons, or constituting one person the heir at law of another. 2. For laying out, opening or altering highways, except in
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cases of state roads extending into more than one county, and military roads to aid in the construction of which lands shall have been or may be granted by Congress.

3. For authorizing persons to keep ferries wholly within this state.

4. For authorizing the sale or mortgage of real or personal property of minors, or others under disability.

5. For assessment or collection of taxes, or for extending the time of collection thereof.

6. For granting corporate powers or privileges.

7. For authorizing the apportionment of any part of the school fund.

8. For incorporating any town or village, or to amend the charter thereof.

9. From giving effect to invalid deeds, wills or other instruments.

10. Releasing or extinguishing, in whole or in part, the indebtedness, liability or other obligation of any person or corporation to this state, or to any municipal corporation therein.

11. Declaring any person of age, or authorizing any minor to sell, lease or encumber his or her property.

12. Legalizing, except as against the state, the unauthorized or invalid act of any officer.

13. Regulating the rates of interest on money.

14. Remitting fines, penalties or forfeitures.

15. Providing for the management of common schools.

16. Authorizing the adoption of children.

17. For limitation of civil or criminal action.

18. Changing county lines, locating or changing county seats: Provided, This shall not be construed to apply to the creation of new counties.

Sec. 29. After the first day of January, eighteen hundred and ninety, the labor of convicts of this state shall not be let out by contract to any person, copartnership, company or corporation, and the Legislature shall by law provide for the working of convicts for the benefit of the state.

Labor of convicts.

Sec. 30. The offense of corrupt solicitation of members of the Legislature, or of public officers of the state or any municipal division thereof, and any occupation or practice of solicitation of such members or officers to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment. Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who may be charged with having committed the offense of bribery or corrupt solicitation, or practice of solicitation, and shall not be permitted to withhold his testimony on the ground that it may criminate himself or subject him to public infamy, but such testimony shall not afterwards be used against him in any judicial proceeding—except for perjury in giving such testimony—and any person convicted of either of the offenses aforesaid, shall, as part of the punishment therefor, be disqualified from ever holding any position of honor, trust or profit in this state. A member who has a private interest in any bill or measure proposed or pending before the Legislature shall dis-

Corrupt solicitation.

Members shall not vote in certain cases.

close the fact to the house of which he is a member, and shall not vote thereon.

Laws take effect when.

Sec. 31. No law, except appropriation bills, shall take effect until ninety days after the adjournment of the session at which it was enacted, unless in case of an emergency (which emergency must be expressed in the preamble or in the body of the act) the Legislature shall otherwise direct by vote of two-thirds of all the members elected to each house; said vote to be taken by yeas and nays and entered on the journals.

Presiding officers to sign bill.

Sec. 32. No bill shall become a law until the same shall have been signed by the presiding officer of each of the two houses in open session, and under such rules as the Legislature shall prescribe.

Ownership of lands by aliens.

Sec. 33. The ownership of lands by aliens, other than those who in good faith have declared their intention to become citizens of the United States, is prohibited in this state, except where acquired by inheritance, under mortgage or in good faith in the ordinary course of justice in the collection of debts; and all conveyances of lands hereafter made to any alien directly, or in trust for such alien, shall be void: Provided, That the provisions of this section shall not apply to lands containing valuable deposits of minerals, metals, iron, coal or fire clay, and the necessary land for mills and machinery to be used in the development thereof and the manufacture of the products therefrom. Every corporation, the majority of the capital stock of which is owned by aliens, shall be considered an alien for the purpose of this prohibition.

Bureau of statistics.

Sec. 34. There shall be established in the office of the Secretary of State, a bureau of statistics, agriculture and immigration, under such regulations as the Legislature may provide.

Laws relating to mines and factories.

Sec. 35. The Legislature shall pass necessary laws for the protection of persons working in mines, factories and other employment dangerous to life and deleterious to health; and fix pains and penalties for the enforcement of same.

Introduction of bills limited.

Sec. 36. No bill shall be considered in either house unless the time for its introduction shall have been at least ten days before the final adjournment of the Legislature, unless the Legislature shall otherwise direct by a vote of two-thirds of all the members elected to each house, said vote to be taken by yeas and nays and entered upon the journal, or unless the same be at a special session.

Amending laws.

Sec. 37. No act shall ever be revised or amended by mere reference to its title, but the act revised or the section amended shall be set forth at full length.

Amendment to bills.

Sec. 38. No amendment to any bill shall be allowed which shall change the scope or object of the bill.

Passes forbidden.

Sec. 39. It shall not be lawful for any person holding public office in this state to accept or use a pass or to purchase trans-

portation from any railroad or other corporation, other than as the same may be purchased by the general public, and the Legislature may pass laws to enforce this provision.

ARTICLE III.—THE EXECUTIVE.

Section 1. The executive department shall consist of a Governor, Lieutenant Governor, Secretary of State, Treasurer, Auditor, Attorney General, Superintendent of Public Instruction, and a Commissioner of Public Lands, who shall be severally chosen by the qualified electors of the state at the same time and place of voting as for the members of the Legislature.

Sec. 2. The supreme executive power of this state shall be vested in a Governor, who shall hold his office for a term of four years, and until his successor is elected and qualified.

Sec. 3. The Lieutenant Governor, Secretary of State, Treasurer, Auditor, Attorney General, Superintendent of Public Instruction, and Commissioner of Public Lands, shall hold their offices for four years, respectively, and until their successors are elected and qualified.

Sec. 4. The returns of every election for the officers named in the first section of this article shall be sealed up and transmitted to the seat of government by the returning officers, directed to the Secretary of State, who shall deliver the same to the speaker of the House of Representatives at the first meeting of the House thereafter, who shall open, publish and declare the result thereof in the presence of a majority of the members of both houses. The person having the highest number of votes shall be declared duly elected, and a certificate thereof shall be given to such person, signed by the presiding officers of both houses; but if any two or more shall be highest and equal in votes for the same office, one of them shall be chosen by the joint vote of both houses. Contested elections for such officers shall be decided by the Legislature in such manner as shall be decided by law. The terms of all officers named in section one of this article shall commence on the second Monday in January after their election, until otherwise provided by law.

Sec. 5. The Governor may require information in writing from the officers of the state upon any subject relating to the duties of their respective offices, and shall see that the laws are faithfully executed.

Sec. 6. He shall communicate at every session by message to the Legislature the condition of affairs of the state, and recommend such measures as he shall deem expedient for their action.

Sec. 7. He may, on extraordinary occasions, convene the Legislature by proclamation, in which shall be stated the purpose for which the Legislature is convened.

Sec. 8. He shall be commander-in-chief of the military in

Commander-in-chief.

the state except when they shall be called into the service of the United States.

Pardoning powers.

Sec. 9. The pardoning power shall be vested in the Governor under such regulations and restrictions as may be prescribed by law.

Duties shall devolve on lieutenant governor, when.

Sec. 10. In case of the removal, resignation, death, or disability of the Governor, the duties of the office shall devolve upon the Lieutenant Governor, and in case of a vacancy in both the offices of Governor and Lieutenant Governor, the duties of Governor shall devolve upon the Secretary of State, who shall act as Governor until the disability be removed or a Governor be elected.

Governor may remit fines, etc.

Sec. 11. The Governor shall have power to remit fines and forfeitures, under such regulations as may be prescribed by law, and shall report to the Legislature at its next meeting each case of reprieve, commutation, or pardon granted, and the reasons for granting the same, and also the names of all persons in whose favor remission of fines and forfeitures shall have been made, and the several amounts remitted and the reasons for the remission.

Duties of governor in regard to enactment of laws.—Veto.

Sec. 12. Every act which shall have passed the Legislature shall be, before it becomes a law, presented to the Governor. If he approves, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, which house shall enter the objections at large upon the journal and proceed to reconsider. If, after such reconsideration, two-thirds of the members present shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of the members present, it shall become a law; but in all such cases the vote of both houses shall be determined by the yeas and nays and the names of the members voting for or against the bill shall be entered upon the journal of each house respectively. If any bill shall not be returned by the Governor within five days, Sunday excepted, after it shall be presented to him, it shall become a law without his signature, unless the general adjournment shall prevent its return, in which case it shall become a law unless the Governor within ten days next after the adjournment, Sundays excepted, shall file such bill, with his objections thereto, in the office of Secretary of State, who shall lay the same before the Legislature at its next session in like manner as if it had been returned by the Governor. If any bill presented to the Governor contain several sections or items, he may object to one or more sections or items while approving other portions of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the section or sections, item or items to which he objects and the reasons therefor and the section or sections, item or items, so objected to shall not take effect

May veto one or more items or sections.

unless passed over the Governor's objection as hereinbefore provided,

Sec. 13. When, during a recess of the Legislature, a vacancy shall happen in any office, the appointment to which is vested in the Legislature, or when at any time a vacancy shall have occurred in any other state office, for the filling of which vacancy no provision is made elsewhere in this constitution, the Governor shall fill such vacancy by appointment, which shall expire when a successor shall have been elected and qualified.

Sec. 14. The Governor shall receive an annual salary of four thousand dollars, which may be increased by law, but shall never exceed six thousand dollars per annum.

Sec. 15. All commissions shall issue in the name of the state, shall be signed by the Governor, sealed with the seal of the state, and attested by the Secretary of State.

Sec. 16. The Lieutenant Governor shall be presiding officer of the state senate, and shall discharge such other duties as may be prescribed by law. He shall receive an annual salary of one thousand dollars, which may be increased by the Legislature, but shall never exceed three thousand dollars per annum.

Sec. 17. The Secretary of State shall keep a record of the official acts of the Legislature and executive department of the state, and shall, when required, lay the same and all other matters relative thereto before either branch of the Legislature, and shall perform such other duties as shall be assigned him by law. He shall receive an annual salary of twenty-five hundred dollars, which may be increased by the Legislature, but shall never exceed three thousand dollars per annum.

Sec. 18. There shall be a seal of the state kept by the Secretary of State for official purposes, which shall be called "The Seal of the State of Washington."

Sec. 19. The Treasurer shall perform such duties as shall be prescribed by law. He shall receive an annual salary of two thousand dollars, which may be increased by the Legislature, but shall never exceed four thousand dollars per annum.

Sec. 20. The Auditor shall be auditor of public accounts, and shall have such powers and perform such duties in connection therewith as may be prescribed by law. He shall receive an annual salary of two thousand dollars, which may be increased by the Legislature, but shall never exceed three thousand dollars per annum.

Sec. 21. The Attorney General shall be the legal advisor of the state officers, and shall perform such other duties as may be prescribed by law. He shall receive an annual salary of two thousand dollars, which may be increased by the Legislature, but shall never exceed thirty-five hundred dollars per annum.

Sec. 22. The Superintendent of Public Instruction shall have supervision over all matters pertaining to public schools, and

Salary.	shall perform such specific duties as may be prescribed by law. He shall receive an annual salary of twenty-five hundred dollars, which may be increased by law, but shall never exceed four thousand dollars per annum.
Land commissioner.	Sec. 23. The Commissioner of Public Lands shall perform such duties and receive such compensation as the Legislature may direct.
Certain offices to be kept at capital.	Sec. 24. The Governor, Secretary of State, Treasurer, Auditor, Superintendent of Public Instruction, Commissioner of Public Lands, and Attorney General shall severally keep the public records, books and papers relating to their respective offices, at the seat of government, at which place also the Governor, Secretary of State, Treasurer, and Auditor shall reside.
Eligibility to state office.	Sec. 25. No person, except a citizen of the United States and a qualified elector of this state, shall be eligible to hold any state office, and the State Treasurer shall be ineligible for the term succeeding that for which he was elected. The compensation of state officers shall not be increased or diminished during the term for which they shall have been elected. The Legislature may, in its discretion, abolish the offices of Lieutenant Governor, Auditor, and Commissioner of Public Lands.
Certain offices may be abolished.	

ARTICLE IV.—THE JUDICIARY.

Supreme court	Section 1. The judicial power of the state shall be vested in a
Inferior courts	Supreme Court, Superior Courts, justices of the peace, and such inferior courts as the Legislature may provide.
Supreme court consists of whom.	Sec. 2. The Supreme Court shall consist of five judges, a majority of whom shall be necessary to form a quorum and pronounce a decision. The said court shall always be open for the transaction of business except on non-judicial days. In the determination of causes, all decisions of the court shall be given in writing, and the grounds of the decision shall be stated. The Legislature may increase the number of judges of the Supreme Court from time to time, and may provide for separate departments of said court.
Supreme judges.—Election.	Sec. 3. The judges of the Supreme Court shall be elected by the qualified electors of the state at large, at the general state election, at the times and places at which state officers are elected, unless some other time be provided by the Legislature. The first election of judges of the Supreme Court shall be at the election which shall be held upon the adoption of this constitution, and the judges elected thereat shall be classified, by lot, so that two shall hold their office for the term of three years, two for a term of five years, and one for the term of seven years. The lot shall be drawn by the judges, who shall for that purpose assemble at the seat of government, and they shall cause the result thereof to be certified to the Secretary of State, and filed in his office. The judge having the shortest term to serve, not holding his office by appointment or election to fill a vacancy, shall be the chief jus-
Tenure of office.	
Chief justice.	

tice, and shall preside at all sessions of the Supreme Court, and in case there shall be two judges having in like manner the same short term, the other judges of the Supreme Court shall determine which of them shall be chief justice. In case of the absence of the chief justice, the judge having in like manner the shortest or next shortest term to serve shall preside. After the first election the terms of judges elected shall be six years from and after the second Monday in January next succeeding their election. If a vacancy occur in the office of a judge of the Supreme Court, the Governor shall appoint a person to hold the office until the election and qualification of a judge to fill the vacancy, which election shall take place at the next succeeding general election, and the judge so elected shall hold the office for the remainder of the unexpired term. The term of office of the judges of the Supreme Court, first elected, shall commence as soon as the state shall have been admitted into the Union, and continue for the term herein provided, and until their successors are elected and qualified. The sessions of the Supreme Court shall be held at the seat of government until otherwise provided by law.

Sec. 4. The Supreme Court shall have original jurisdiction in habeas corpus and quo warranto and mandamus as to all state officers, and appellate jurisdiction in all actions and proceedings, excepting that its appellate jurisdiction shall not extend to civil actions at law for the recovery of money or personal property when the original amount in controversy, or the value of the property, does not exceed the sum of two hundred dollars (\$200), unless the action involves the legality of a tax, impost, assessment, toll, municipal fine, or the validity of a statute. The Supreme Court shall also have power to issue writs of mandamus, review, prohibition, habeas corpus, certiorari, and all other writs necessary and proper to the complete exercise of its appellate and revisory jurisdiction. Each of the judges shall have power to issue writs of habeas corpus to any part of the state upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself, or before the Supreme Court, or before any Superior Court of the state, or any judge thereof.

Sec. 5. There shall be in each of the organized counties of this state a Superior Court for which at least one judge shall be elected by the qualified electors of the county at the general state election: Provided, That until otherwise directed by the Legislature one judge only shall be elected for the counties of Spokane and Stevens, one judge for the county of Whitman; one judge for the counties of Lincoln, Okanogan, Douglas, and Adams; one judge for the counties of Walla Walla and Franklin; one judge for the counties of Cowlitz, Garfield, and Asotin; one judge for the counties of Kittitas, Yakima, and Klickitat; one judge for the counties of Clarke, Skamania, Pacific, Cowlitz, and Wahkiakum;

Sessions of
court.

Tenure of
office of supe-
rior judges.

Jurisdiction of
superior
courts.

one judge for the counties of Thurston, Chehalis, Mason, and Lewis; one judge for the county of Pierce; one judge for the county of King; one judge for the counties of Jefferson, Island, Kitsap, San Juan, and Clallam; and one judge for the counties of Whatcom, Skagit, and Snohomish. In any county where there shall be more than one superior judge, there may be as many sessions of the Superior Court at the same time as there are judges thereof, and whenever the Governor shall direct a superior judge to hold court in any county other than that for which he has been elected, there may be as many sessions of the Superior Court in said county at the same time as there are judges therein, or assigned to duty therein by the Governor, and the business of the court shall be so distributed and assigned by law, or in the absence of legislation therefor, by such rules and orders of court, as shall best promote and secure the convenient and expeditious transaction thereof. The judgments, decrees, orders, and proceedings of any session of the Superior Court held by any one or more of the judges of such court shall be equally effectual as if all the judges of said court presided at such session. The first superior judges elected under this constitution shall hold their offices for the period of three years, and until their successors shall be elected and qualified, and thereafter the term of office of all superior judges in this state shall be for four years from the second Monday in January next succeeding their election, and until their successors are elected and qualified. The first election of judges of the Superior Court shall be at the election held for the adoption of this constitution. If a vacancy occurs in the office of judges of the Superior Court, the Governor shall appoint a person to hold the office until the election and qualification of a judge to fill the vacancy, which election shall be at the next succeeding general election, and the judge so elected shall hold office for the remainder of the unexpired term.

Sec. 6. The Superior Court shall have original jurisdiction in all cases in equity, and in all cases of law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all others cases in which the demand, or the value of the property in controversy amounts to one hundred dollars, and in all criminal cases amounting to a felony, and in all cases of misdemeanor not otherwise provided for by law; of actions of forcible entry and detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate, of divorce, and for annulment of marriage; and for such special cases and proceedings as are not otherwise provided for. The Superior Court shall also have original jurisdiction in all cases and of all proceedings in which jurisdiction shall not have been by law vested exclusively in some other court; and said court shall have the power of naturalization, and to issue papers therefor. They shall have such appellate jurisdic-

tion in cases arising in justice's and other inferior courts in their respective counties as may be prescribed by law. They shall be always open except on non-judicial days, and their process shall extend to all parts of the state. Said courts and their judges shall have power to issue writs of mandamus, quo warranto, review, certiorari, prohibition, and writs of habeas corpus, on petition by or on behalf of any person in actual custody in their respective counties. Injunctions and writs of prohibition and of habeas corpus may be issued and served on legal holidays and non-judicial days.

Powers of
judges and
courts.

Sec. 7. The judge of any Superior Court may hold a Superior Court in any county at the request of the judge of the Superior Court thereof, and upon the request of the Governor it shall be his duty to do so. A case in the Superior Court may be tried by a judge pro tempore, who must be a member of the bar, agreed upon in writing by the parties litigant, or their attorneys of record, approved by the court, and sworn to try the case.

Judges may
hold court in
any county by
request.

Pro tempore
judges.

Sec. 8. Any judicial officer who shall absent himself from the state for more than sixty consecutive days shall be deemed to have forfeited his office: Provided, That in cases of extreme necessity the Governor may extend the leave of absence such time as the necessity therefor shall exist.

Leave of ab-
sence of
judges.

Sec. 9. Any judge of any court of record, the Attorney General, or any prosecuting attorney may be removed from office by joint resolution of the Legislature, in which three-fourths of the members elected to each house shall concur, for incompetency, corruption, malfeasance, or delinquency in office, or other sufficient cause stated in such resolution. But no removal shall be made unless the officer complained of shall have been served with a copy of the charges against him as the ground of removal, and shall have an opportunity of being heard in his defense. Such resolution shall be entered at length on the journal of both houses, and on the question of removal the ayes and nays shall also be entered on the journal.

Removal of ju-
dicial officer by
legislature.

Proceedings.

Sec. 10. The Legislature shall determine the number of justices of the peace to be elected in incorporated cities or towns and in precincts, and shall prescribe by law the powers, duties and jurisdiction of justices of the peace: Provided, That such jurisdiction granted by the Legislature shall not trench upon the jurisdiction of superior or other courts of record, except that justices of the peace may be made police justices of incorporated cities and towns. In incorporated cities or towns having more than five thousand inhabitants the justices of the peace shall receive such salary as may be provided by law, and shall receive no fees for their own use.

Justices of the
peace.

Sec. 11. The Supreme Court and the Superior Courts shall be courts of record, and the Legislature shall have power to provide

Courts of
record.

	that any of the courts of this state, excepting justices of the peace, shall be courts of record.
Inferior courts jurisdiction of.	Sec. 12. The Legislature shall prescribe by law the jurisdiction and powers of any of the inferior courts which may be established in pursuance of this constitution.
Compensation of judicial officers.	Sec. 13. No judicial officer, except court commissioners and unsalaried justices of the peace, shall receive to his own use any fees or perquisites of office. The judges of the Supreme Court and judges of the Superior Courts shall, severally, at stated times during their continuance in office, receive for their services the salaries prescribed by law therefor, which shall not be increased after their election, nor during the term for which they shall have been elected. The salaries of the judges of the Supreme Court shall be paid by the state. One-half of the salary of each of the Superior Court judges shall be paid by the state, and the other one-half by the county or counties for which he is elected. In cases where a judge is provided for more than one county, that portion of his salary which is to be paid by the counties shall be apportioned between or among them according to the assessed value of their taxable property, to be determined by the assessment next preceding the time for which such salary is to be paid.
Salary of superior judge, how paid.	
Salaries of judges, amount per annum.	Sec. 14. Each of the judges of the Supreme Court shall receive an annual salary of four thousand dollars (\$4,000); each of the Superior Court judges shall receive an annual salary of three thousand dollars (\$3,000), which said salary shall be payable quarterly. The Legislature may increase the salaries of the judges herein provided.
Judges ineligible to any other office.	Sec. 15. The judges of the Supreme Court and the judges of the Superior Court shall be ineligible to any other office or public employment than a judicial office or employment during the term for which they shall have been elected.
Charge to jury.	Sec. 16. Judges shall not charge juries with respect to matters of fact, nor comment thereon, but shall declare the law.
Eligibility to judgeship.	Sec. 17. No person shall be eligible to the office of judge of the Supreme Court or judge of a Superior Court unless he shall have been admitted to practice in the courts of record of this State or of Territory of Washington.
Reporter for supreme court.	Sec. 18. The judges of the Supreme Court shall appoint a reporter for the decisions of that court, who shall be removable at their pleasure. He shall receive such annual salary as shall be prescribed by law.
Judges shall not practice law.	Sec. 19. No judge of a court of record shall practice law in any court of this state during his continuance in office.
Decision of cases by superior judge, limit of time.	Sec. 20. Every cause submitted to a judge of a Superior Court for his decision shall be decided by him within ninety days from the submission thereof: Provided, That if, within said period of ninety days, a rehearing shall have been ordered, then

the period within which he is to decide shall commence at the time the cause is submitted upon such a rehearing.

Sec. 21. The Legislature shall provide for the speedy publication of opinions of the Supreme Court, and all opinions shall be free for publication by any person. Publication of opinions of supreme court.

Sec. 22. The judges of the Supreme Court shall appoint a clerk of that court, who shall be removable at their pleasure, but the Legislature may provide for the election of the clerk of the Supreme Court and prescribe the term of his office. The clerk of the Supreme Court shall receive such compensation, by salary only, as shall be provided by law. Clerk of supreme court. Salary of.

Sec. 23. There may be appointed in each county, by the judge of the Superior Court having jurisdiction therein, one or more court commissioners, not exceeding three in number, who shall have authority to perform like duties as a judge of the Superior Court at chambers, subject to revision by such judge, to take depositions and to perform such other business connected with the administration of justice as may be prescribed by law. Court commissioners, powers of.

Sec. 24. The judges of the Superior Courts shall, from time to time, establish uniform rules for the government of the Superior Courts. Rules of courts.

Sec. 25. Superior judges shall, on or before the first day of November in each year, report in writing to the judges of the Supreme Court such defects and omissions in the laws as their experience may suggest, and the judges of the Supreme Court shall, on or before the first day of January in each year, report in writing to the Governor such defects and omissions in the laws as they may believe to exist. Superior judges to report to supreme judges.

Sec. 26. The county clerk shall be, by virtue of his office, clerk of the Superior Court. Clerk of superior court.

Sec. 27. The style of all process shall be, "The State of Washington," and all prosecutions shall be conducted in its name and by its authority. Style of processes.

Sec. 28. Every judge of the Supreme Court and every judge of the Superior Court shall, before entering upon the duties of his office, take and subscribe an oath that he will support the constitution of the United States and the constitution of the State of Washington, and will faithfully and impartially discharge the duties of judge to the best of his ability, which oath shall be filed in the office of the Secretary of State. Oaths of office of judges.

ARTICLE V.—IMPEACHMENT.

Section 1. The House of Representatives shall have the sole power of impeachment. The concurrence of a majority of all the members shall be necessary to an impeachment. All impeachments shall be tried by the Senate, and when sitting for that purpose the senators shall be upon oath or affirmation to do justice according to law and evidence. When the Governor or Lieu- Proceedings in impeachment cases.

tenant Governor is on trial, the chief justice of the Supreme Court shall preside. No person shall be convicted without a concurrence of two-thirds of the senators elected.

Impeachment
for what of-
fences.

Sec. 2. The Governor and other state and judicial officers, except judges and justices of courts not of record, shall be liable to impeachment for high crimes or misdemeanors, or malfeasance in office, but judgment in such cases shall extend only to removal from office and disqualification to hold any office of honor, trust or profit, in the state. The party, whether convicted or acquitted, shall, nevertheless, be liable to prosecution, trial, judgment, and punishment according to law.

Removal from
office.

Sec. 3. All officers not liable to impeachment shall be subject to removal for misconduct or malfeasance in office, in such manner as may be provided by law.

ARTICLE VI.—ELECTIONS AND ELECTIVE RIGHTS.

Qualifications
of electors.

Section 1. All male persons of the age of twenty-one years or over, possessing the following qualifications, shall be entitled to vote at all elections. They shall be citizens of the United States; they shall have lived in the state one year, and in the county ninety days, and in the city, town, ward or precinct thirty days immediately preceding the election at which they offer to vote: Provided, That Indians not taxed shall never be allowed the elective franchise: Provided further, That all male persons who at the time of the adoption of this constitution are qualified electors of the territory shall be electors.

In school
elections.

Sec. 2. The Legislature may provide that there shall be no denial of the elective franchise at any school election on account of sex.

Certain per-
sons not elec-
tors.

Sec. 3. All idiots, insane persons, and persons convicted of infamous crime, unless restored to their civil rights, are excluded from the elective franchise.

Residence not
gained or lost
by military
service, etc.

Sec. 4. For the purpose of voting and eligibility to office no person shall be deemed to have gained a residence by reason of his presence, or lost it by reason of his absence, while in the civil or military service of the state or of the United States, nor while a student at any institution of learning, nor while kept at public expense at any poor house or other asylum, nor while confined in public prison, nor while engaged in the navigation of the waters of this state or of the United States, or of the high seas.

Immunity
from arrest on
election days.

Sec. 5. Voters shall in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at elections and in going to and returning therefrom. No elector shall be required to do military duty on the day of any election except in time of war or public danger.

Elections by
ballot.

Sec. 6. All elections shall be by ballot. The Legislature shall provide for such method of voting as will secure to every elector absolute secrecy in preparing and depositing his ballot.

Sec. 7. The Legislature shall enact a registration law, and shall require compliance with such law before any elector shall be allowed to vote: Provided, That this provision is not compulsory upon the Legislature, except as to cities and towns having a population of over five hundred inhabitants. In all other cases the Legislature may or may not require registration as a prerequisite to the right to vote, and the same system of registration need not be adopted for both classes. Registration laws.

Sec. 8. The first election of county and district officers, not otherwise provided for in this constitution, shall be on the Tuesday next after the first Monday in November, 1890, and thereafter all elections for such offices shall be held biennially on the Tuesday next succeeding the first Monday in November. The first election of all state officers not otherwise provided for in this constitution, after the election held for the adoption of this constitution, shall be on the Tuesday next after the first Monday in November, 1892, and the elections for such state offices shall be every fourth year thereafter on the Tuesday succeeding the first Monday in November. First election of officers; subsequent elections.

ARTICLE VII.—REVENUE AND TAXATION.

Section 1. All property in the state not exempt under the laws of the United States, or under this constitution, shall be taxed in proportion to its value, to be ascertained as provided by law. The Legislature shall provide by law for an annual tax sufficient, with other sources of revenue, to defray the estimated ordinary expenses of the state for each fiscal year. And for the purpose of paying the state debt, if there be any, the Legislature shall provide for levying a tax annually, sufficient to pay the annual interest and principal of such debt within twenty years from the final passage of the law creating the debt. All property taxed according to value; annual levies.

Sec. 2. The Legislature shall provide by law a uniform and equal rate of assessment and taxation on all property in the state, according to its value in money, and shall prescribe such regulations by general law as shall secure a just valuation for taxation of all property, so that every person and corporation shall pay a tax in proportion to the value of his, her, or its property: Provided, That a deduction of debts from credits may be authorized: Provided further, That the property of the United States, and of the state, counties, school districts, and other municipal corporations, and such other property as the Legislature may by general laws provide, shall be exempt from taxation. Uniform and equal rates of taxation.

Sec. 3. The Legislature shall provide by general law for the assessing and levying of taxes on all corporation property as near as may be by the same methods as are provided for the assessing and levying of taxes on individual property. Exemptions.

Sec. 4. The power to tax corporations and corporate property shall not be surrendered or suspended by any contract or grant to which the state shall be a party. Assessment of corporation property.

No tax except in pursuance of law.

Sec. 5. No tax shall be levied except in pursuance of law; and every law imposing a tax shall state distinctly the object of the same, to which only it shall be applied.

All taxes paid in money.

Sec. 6. All taxes levied and collected for state purposes shall be paid in money only into the state treasury.

Statement of receipts and expenditures.

Sec. 7. An accurate statement of the receipts and expenditures of the public moneys shall be published annually, in such manner as the Legislature may provide.

Deficiencies in revenue provided for.

Sec. 8. Whenever the expenses of any fiscal year shall exceed the income, the Legislature may provide for levying a tax for the ensuing fiscal year, sufficient, with other sources of income, to pay the deficiency, as well as the estimated expenses of the ensuing fiscal year.

Rights of cities and towns to levy special taxes.

Sec. 9. The Legislature may vest the corporate authorities of cities, towns, and villages with the power to make local improvements by special assessment, or by special taxation of property benefited. For all corporate purposes, all municipal corporations may be vested with authority to assess and collect taxes, and such taxes shall be uniform in respect to persons and property within the jurisdiction of the body levying the same.

ARTICLE VIII.—STATE, COUNTY, AND MUNICIPAL INDEBTEDNESS.

State indebtedness limited.

Section 1. The state may, to meet casual deficits or failures in revenues, or for expenses not provided for, contract debts, but such debts, direct and contingent, singly or in the aggregate, shall not at any time exceed four hundred thousand dollars (\$400,000), and the moneys arising from the loans creating such debts shall be applied to the purpose for which they were obtained, or to repay the debts so contracted, and to no other purpose whatever.

Exceptions to limitation.

Sec. 2. In addition to the above limited power to contract debts, the state may contract debts to repel invasion, suppress insurrection, or to defend the state in war, but the money arising from the contracting of such debts shall be applied to the purpose for which it was raised and no other purpose whatever.

Special provision for incurring indebtedness.

Sec. 3. Except the debts specified in sections one and two of this article, no debt shall hereafter be contracted by, or on behalf of this state, unless such debt shall be authorized by law for some single work or object to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest on such debt as it falls due, and also to pay and discharge the principal of such debt within twenty years from the time of the contracting thereof. No such law shall take effect until it shall, at a general election, have been submitted to the people and have received a majority of all the votes cast for and against it at such election, and all moneys raised by authority of such law shall be applied only to the specific object therein stated, or to the payment of the debt thereby created, and

such law shall be published in at least one newspaper in each county, if one be published therein, throughout the state, for three months next exceeding the election at which it is submitted to the people.

Sec. 4. No money shall ever be paid out of the treasury of this state, or any of its funds, or any of the funds under its management, except in pursuance of an appropriation by law; nor unless such payment be made within two years from the first day of May next after the passage of such appropriation act, and every such law making a new appropriation, or continuing or reviving an appropriation, shall distinctly specify the sum appropriated, and the object to which it is to be applied, and it shall not be sufficient for such law to refer to any other law to fix such sum.

Appropriations.

Sec. 5. The credit of the state shall not, in any manner, be given or loaned to, or in aid of, any individual, association, company, or corporation.

Credit of state shall not be pledged in aid of corporations.

Sec. 6. No county, city, town, school district, or other municipal corporation shall for any purpose become indebted in any manner to an amount exceeding one and one-half per centum of the taxable property in such county, city, town, school district, or other municipal corporation, without the assent of three-fifths of the voters therein voting at an election to be held for that purpose, nor in cases requiring such assent shall the total indebtedness at any time exceed five per centum on the value of the taxable property therein, to be ascertained by the last assessment for state and county purposes previous to the incurring of such indebtedness, except that in incorporated cities the assessment shall be taken from the last assessment for city purposes: Provided, That no part of the indebtedness allowed in this section shall be incurred for any purpose other than strictly county, city, town, school district, or other municipal purposes: Provided further, That any city or town with such assent may be allowed to become indebted to a larger amount, but not exceeding five per centum additional, for supplying such city or town with water, artificial light, and sewers, when the works for supplying such water, light, and sewers shall be owned and controlled by the municipality.

Limit of indebtedness of counties, cities and school districts.

Sec. 7. No county, city, town, or other municipal corporation shall hereafter give any money or property, or loan its money or credit, to or in aid of any individual, association, company, or corporation, except for the necessary support of the poor and infirm, or become directly or indirectly the owner of any stock in or bonds of any association, company, or corporation.

Counties and municipalities shall not aid corporations, etc.

ARTICLE IX.—EDUCATION.

Section 1. It is the paramount duty of the state to make ample provision for the education of all children residing within

Education of children.

its borders, without distinction or preference on account of race, color, caste, or sex.

Uniform system of public schools; includes what; support of.

Sec. 2. The Legislature shall provide for a general and uniform system of public schools. The public school system shall include common schools, and such high schools, normal schools, and technical schools as may hereafter be established. But the entire revenue derived from the common school fund, and the state tax for common schools, shall be exclusively applied to the support of the common schools.

Common school fund; derived from what sources.

Sec. 3. The principal of the common school fund shall remain permanent and irreducible. The said fund shall be derived from the following named sources, to-wit: Appropriations and donations by the state to this fund; donations and bequests by individuals to the state or public for common schools; the proceeds of lands and other property which revert to the state by escheat and forfeiture; the proceeds of all property granted to the state when the purpose of the grant is not specified, or is uncertain; funds accumulated in the treasury of the state for the disbursement of which provision has not been made by law; the proceeds of the sale of timber, stone, minerals, and other property from school and state lands, other than those granted for specific purposes; all moneys received from persons appropriating timber, stone, minerals or other property from school and state lands other than those granted for specific purposes, and all moneys other than rental recovered from persons trespassing on said lands; five percentum of the proceeds of the sale of public lands lying within the state, which shall be sold by the United States subsequent to the admission of the state into the Union as approved by section 13 of the act of Congress enabling the admission of the state into the Union; the principal of all funds arising from the sale of lands and other property which have been and hereafter may be, granted to the state for the support of common schools. The Legislature may make further provisions for enlarging said fund. The interest accruing on said fund, together with all rentals and other revenues derived therefrom, and from lands and other property devoted to the common school fund, shall be exclusively applied to the current use of the common schools.

Legislature may provide for increase.

Schools non-sectarian.

Sec. 4. All schools maintained or supported wholly or in part by the public funds shall be forever free from sectarian control or influence.

Losses to permanent school fund become a debt on state.

Sec. 5. All losses to the permanent common school or any other state educational fund, which shall be occasioned by default, mismanagement, or fraud of the agents or officers controlling or managing the same, shall be audited by the proper authorities of the state. The amount so audited shall be a permanent funded debt against the state in favor of the particular fund sustaining such loss, upon which not less than 6 per cent.

annual interest shall be paid. The amount of liability so created shall not be counted as a part of the indebtedness authorized and limited elsewhere in this constitution.

ARTICLE X.—MILITIA.

Section 1. All able-bodied male citizens of this state, between the ages of eighteen (18) and forty-five (45) years, except to. ^{Military duty, who are liable} such as are exempt by laws of the United States or by the laws of this state, shall be liable to military duty.

Sec. 2. The Legislature shall provide by law for organizing and disciplining the militia in such manner as it may deem expedient, not incompatible with the constitution and laws of the United States. Officers of the militia shall be elected or appointed in such manner as the Legislature shall from time to time direct, and shall be commissioned by the Governor. The Governor shall have power to call forth the militia to execute the laws of the state, to suppress insurrections, and repel invasions. ^{Organization of militia.}

Sec. 3. The Legislature shall provide by law for the maintenance of the Soldiers' Home for honorably discharged Union soldiers, sailors, marines, and members of the state militia disabled while in the line of duty, and who are bona fide citizens of the state. ^{Soldiers' home}

Sec. 4. The Legislature shall provide by law for the protection and safe keeping of the public arms. ^{Arms.}

Sec. 5. The militia shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during the attendance at musters and elections of officers, and in going to and returning from the same. ^{Immunity from arrest.}

Sec. 6. No person or persons, having conscientious scruples against bearing arms, shall be compelled to do militia duty in time of peace: Provided, Such person or persons shall pay an equivalent for such exemption. ^{Exemption from military duty.}

ARTICLE XI.—COUNTY, CITY AND TOWNSHIP ORGANIZATION.

Section 1. The several counties of the Territory of Washington, existing at the time of the adoption of this constitution, are hereby recognized as legal subdivisions of this state. ^{County organizations recognized.}

Sec. 2. No county seat shall be removed unless three-fifths of the qualified electors of the county, voting on the proposition at a general election, shall vote in favor of such removal, and three-fifths of all votes cast on the proposition shall be required to relocate a county seat. A proposition of removal shall not be submitted in the same county more than once in four years. ^{Removal of county seats.}

Sec. 3. No new county shall be established which shall reduce any county to a population of less than four thousand (4000), nor shall a new county be formed containing a less ^{Organization of new counties.}

population than two thousand (2000). There shall be no territory stricken from any county unless a majority of the voters living in such territory shall petition therefor, and then only under such other conditions as may be prescribed by a general law applicable to the whole state. Every county which shall be enlarged or created from territory taken from any other county or counties shall be liable for a just proportion of the existing debts and liabilities of the county or counties from which such territory shall be taken: Provided, That in such accounting neither county shall be charged with any debt or liability then existing, incurred in the purchase of any county property or in the purchase or construction of any county buildings then in use or under construction, which shall fall within and be retained by the county: Provided further, That this shall not be construed to effect the rights of creditors.

Change of
boundaries.

System of
county govern-
ment.

Sec. 4. The Legislature shall establish a system of county government which shall be uniform throughout the state, and by general laws shall provide for township organization, under which any county may organize whenever a majority of the qualified elector of such county voting at a general election shall so determine, and whenever a county shall adopt township organization, the assessment and collection of revenue shall be made, and the business of such county, and the local affairs of the several townships therein, shall be managed and transacted in the manner prescribed by such general law.

County offi-
cers, compen-
sation of.

Sec. 5. The Legislature, by general and uniform laws, shall provide for the election in the several counties of boards of county commissioners, sheriffs, county clerks, treasurers, prosecuting attorneys, and other county, township, or precinct and district officers, as public convenience may require, and shall prescribe their duties and fix their terms of office. It shall regulate the compensation of all such officers, in proportion to their duties, and for that purpose may classify the counties by population. And it shall provide for the strict accountability of such officers for all fees which may be collected by them, and for all public moneys which may be paid to them, or officially come into their possession.

Vacancies.

Sec. 6. The board of county commissioners in each county shall fill all vacancies occurring in any county, township, precinct, or road district office of such county by appointment, and officers thus appointed shall hold office till the next general election, and until their successors are elected and qualified.

Ineligibility
for more than
two terms.

Sec. 7. No county officer shall be eligible to hold his office more than two terms in succession.

Salaries.

Sec. 8. The Legislature shall fix the compensation by salaries of all county officers, and of constables in cities having

a population of 5,000 and upward; except that public administrators, surveyors and coroners may or may not be salaried officers. The salary of any county, city, town, or municipal officer shall not be increased or diminished after his election, or during his term of office; nor shall the term of any such officer be extended beyond the period for which he is elected or appointed.

Sec. 9. No county, nor the inhabitants thereof, nor the property therein, shall be released or discharged from its or their proportionate share of taxes to be levied for state purposes, nor shall commutation for such taxes be authorized in any form whatever.

All counties
liable for state
taxes.

Sec. 10. Corporations for municipal purposes shall not be created by special laws; but the Legislature, by general laws, shall provide for the incorporation, organization, and classification, in proportion to population, of cities and towns, which laws may be altered, amended, or repealed. Cities and towns heretofore organized or incorporated may become organized under such general laws whenever a majority of the electors voting at a general election shall so determine, and shall organize in conformity therewith; and cities or towns heretofore or hereafter organized, and all charters thereof framed or adopted by authority of this constitution, shall be subject to and controlled by general laws. Any city containing a population of twenty thousand inhabitants, or more, shall be permitted to frame a charter for its own government, consistent with and subject to the constitution and laws of this state, and for such purpose the legislative authority of such city may cause an election to be had, at which election there shall be chosen by the qualified electors of said city, fifteen freeholders thereof, who shall have been residents of said city for a period of at least two years preceding their election, and qualified electors, whose duty it shall be to convene within ten days after their election and prepare and propose a charter for such city. Such proposed charter shall be submitted to the qualified electors of said city, and if a majority of such qualified electors voting thereon ratify the same, it shall become the charter of said city, and shall become the organic law thereof, and supersede any existing charter, including amendments thereto, and all special laws inconsistent with such charter. Said proposed charter shall be published in two daily newspapers published in said city, for at least thirty days prior to the day of submitting the same to the electors for their approval, as above provided. All elections in this section authorized shall only be had upon notice, which notice shall specify the object of calling such election, and shall be given for at least ten days before the day of election, in all election districts

Municipal corporations, not
created by
special acts.

Charters for
cities of 20,000
or more.

Adoption of
charter.

of said city. Said elections may be general or special elections, and except as herein provided shall be governed by the law regulating and controlling general or special elections in said city. Such charter may be amended by proposals therefor submitted by the legislative authority of such city to the electors thereof at any general election after notice of said submission published as above specified, and ratified by a majority of the qualified electors voting thereon. In submitting any such charter amendemnt thereto, any alternate article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others.

Amendment of
charter.

Sec. 11. Any county, city, town, or township may make and enforce within its limits all such local police, sanitary, and other regulations as are not in conflict with general laws.

Privileges of
cities.

Sec. 12. The Legislature shall have no power to impose taxes upon counties, cities, towns, or other municipal corporations, or the inhabitants or property thereof, for county, city, town, or other municipal purposes, but may by general laws vest in the corporate authorities thereof the power to assess and collect taxes for such purposes.

Local taxation
governed by
general laws.

Sec. 13. Private property shall not be taken or sold for the payment of the corporate debt of any public or municipal corporation, except in the mode provided by law for the levy and collection of taxes.

Unlawful use
of public
money a
felony.

Sec. 14. The making of profit out of county, city, town, or other public money, or using the same for any purpose not authorized by law, by any officer having the possession or control thereof, shall be a felony, and shall be prosecuted and punished as prescribed by law.

All public
money to be
deposited with
treasurer.

Sec. 15. All moneys, assessments and taxes belonging to or collected for the use of any county, city, town, or other public or municipal corporation, coming into the hands of any officer thereof, shall immediately be deposited with the treasurer, or other legal depository, to the credit of such city, town, or other corporation respectively, for the benefit of the funds to which they belong.

ARTICLE XII.—CORPORATIONS OTHER THAN MUNICIPAL.

Not created by
special laws.

Section 1. Corporations may be formed under general laws, but shall not be created by special acts. All laws relating to corporations may be altered, amended, or repealed by the Legislature at any time, and all corporations doing business in this state may, as to such business, be regulated, limited, or restrained by law.

Sec. 2. All existing charters, franchises, special or exclusive privileges under which an actual and bona fide organization shall not have taken place, and business been commenced

in good faith, at the time of the adoption of this constitution, shall thereafter have no validity.

Sec. 3. The Legislature shall not extend any franchise or charter, nor permit the forfeiture of any franchise or charter of any corporation now existing or which shall hereafter exist under the laws of this state. Legislature shall not extend franchise or remit forfeiture.

Sec. 4. Each stockholder in all incorporated companies, except corporations organized for banking or insurance purposes, shall be liable for the debts of the corporation to the amount of his unpaid stock, and no more, and one or more stockholders may be joined as parties defendant in suits to recover upon this liability. Liability of stockholders.

Sec. 5. The term corporations, as used in this article, shall be construed to include all associations and joint stock companies having any powers or privileges of corporations not possessed by individuals or partnerships, and all corporations shall have the right to sue and shall be subject to be sued, in all courts, in like cases as natural persons. Corporation construed to include what.

Sec. 6. Corporations shall not issue stock, except to bona fide subscribers therefor; or their assignees; nor shall any corporation issue any bond, or other obligation, for the payment of money, except for money or property received or labor done. The stock of corporations shall not be increased, except in pursuance of a general law, nor shall any law authorize the increase of stock, without the consent of the person or persons holding the larger amount in value of the stock, nor without due notice of the proposed increase having been previously given in such manner as may be prescribed by law. All fictitious increase of stock or indebtedness shall be void. Corporation stock, fictitious issue void.

Sec. 7. No corporation organized outside the limits of this state shall be allowed to transact business within the state on more favorable conditions than are prescribed by law to similar corporations organized under the laws of this state.

Sec. 8. No corporation shall lease or alienate any franchise, so as to release the franchise, or property held thereunder, from the liabilities of the lessor, or grantor, lessee, or grantee, contracted or incurred in the operation, use, or enjoyment of such franchise or any of its privileges. Leasing or alienation of franchises.

Sec. 9. The state shall not in any manner loan its credit, nor shall it subscribe to, or be interested in, the stock of any company, association or corporation. State shall not loan its credit to corporations.

Sec. 10. The exercise of the right of eminent domain shall never be so abridged or construed as to prevent the Legislature from taking the property and franchises of incorporated companies, and subjecting them to public use the same as the property of individuals. Eminent domain, state may exercise right.

Corporations and individuals shall not issue money, except lawful money of U. S.

Liability of stockholders.

Insolvent banks shall not receive deposits.

Common carriers; rights; duties.

Certain combinations of forbidden.

Discrimination in rates forbidden.

Sec. 11. No corporation, association, or individual shall issue or put in circulation as money anything but the lawful money of the United States. Each stockholder of any banking or insurance corporation or joint stock association shall be individually and personally liable, equally and ratably, and not one for another, for all contracts, debts and engagements of such corporation or association accruing while they remain such stockholders, to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares.

Sec. 12. Any president, director, manager, cashier, or other officer of any banking institution who shall receive or assent to the reception of deposits after he shall have knowledge of the fact that such banking institution is insolvent or in failing circumstances shall be individually responsible for such deposits so received.

Sec. 13. All railroad, canal, and other transportation companies are declared to be common carriers and subject to legislative control. Any association or corporation organized for the purpose, under the laws of the state, shall have the right to connect at the state line with railroads of other states. Every railroad company shall have the right with its road, whether the same be now constructed or may hereafter be constructed, to intersect, cross, or connect with any other railroad, and when such railroads are of the same or similar gauge they shall, at all crossings and at all points where a railroad shall begin or terminate at or near any other railroad, form proper connections, so that the cars of any such railroad companies may be speedily transferred from one railroad to another. All railroad companies shall receive and transport each the other's passengers, tonnage, and cars, without delay or discrimination.

Sec. 14. No railroad company or other common carrier shall combine or make any contract with the owners of any vessel that leaves port or makes port in this state, or with any common carrier, by which combination or contract the earnings of one doing the carrying are to be shared by the other not doing the carrying.

Sec. 15. No discrimination in charges or facilities for transportation shall be made by any railroad or other transportation company between places or persons, or in the facilities for the transportation of the same classes of freight or passengers within the state, or coming from or going to any other state. Persons and property transported over any railroad, or by any other transportation company, or individual, shall be delivered at any station, landing or port, at charges not exceeding the charges for the transportation of persons and property of the same class, in the same direction to any more

distant station, port or landing. Excursion and commutation tickets may be issued at special rates.

Sec. 16. No railroad corporation shall consolidate its stock, property or franchise with any other railroad corporation owning a competing line. Shall not consolidate.

Sec. 17. The rolling stock and other movable property belonging to any railroad company or corporation in this state shall be considered personal property, and shall be liable to taxation and to execution and sale in the same manner as the personal property of individuals, and such property shall not be exempted from execution and sale. Rolling stock, etc., considered to be personal property

Sec. 18. The legislature shall pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight, and to correct abuses, and to prevent discrimination and extortion in the rates of freight and passenger tariffs on the different railroads and other common carriers in the state, and shall enforce such laws by adequate penalties. A railroad and transportation commission may be established and its powers and duties fully defined by law. Regulation of fares and freights by legislature.

Sec. 19. Any association or corporation, or the lessees or managers thereof, organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph and telephone within this state, and said companies shall receive and transmit each other's messages without delay or discrimination, and all such companies are hereby declared to be common carriers and subject to legislative control. Railroad corporations organized or doing business in this state shall allow telegraph and telephone corporations and companies to construct and maintain telegraph lines on and along the rights-of-way of such railroads and railroad companies, and no railroad corporation organized or doing business in this state shall allow any telegraph corporation or company any facilities, privileges, or rates for transportation of men or material, or for repairing their lines, not allowed to all telegraph companies. The right of eminent domain is hereby extended to all telegraph and telephone companies. The Legislature shall, by general law of uniform operation, provide reasonable regulations to give effect to this section. Telegraph and telephone companies.

Sec. 20. No railroad or other transportation company shall grant free passes, or sell tickets or passes at a discount, other than as sold to the public generally, to any member of the Legislature, or to any person holding any public office within this state. The Legislature shall pass laws to carry this provision into effect. Free passes, discrimination forbidden.

Sec. 21. Railroad companies now or hereafter organized or doing business in this state, shall allow all express companies organized or doing business in this state, transportation over all lines of railroad owned or operated by such railroad com- Railroads shall not discriminate against any express company

panies upon equal terms with any other express company, and no railroad corporation organized or doing business in this state shall allow any express corporation or company any facilities, privileges, or rates for transportation of men or materials or property carried by them, or for doing the business of such express companies, not allowed to all express companies.

Trusts and
monopolies
forbidden.

Sec. 22. Monopolies and trusts shall never be allowed in this state, and no incorporated company, copartnership, or association of persons in this state shall directly or indirectly combine or make any contract with any other incorporated company, foreign or domestic, through their stockholders, or the trustees or assignees of such stockholders, or with any copartnership or association of persons, or in any manner whatever, for the purpose of fixing the price or limiting the production or regulating the transportation of any product or commodity. The Legislature shall pass laws for the enforcement of this section by adequate penalties, and in case of incorporated companies, if necessary for that purpose, may declare a forfeiture of their charter.

ARTICLE XIII.—STATE INSTITUTIONS.

Educational,
reformatory
and penal
institutions.

Section 1. Educational, reformatory, and penal institutions; those for the benefit of blind, deaf, dumb, or otherwise defective youth, for the insane and idiotic, and such other institutions as the public good may require, shall be fostered and supported by the state, subject to such regulations as may be provided by law. The regents, trustees, or commissioners of all such institutions existing at the time of the adoption of this constitution, and of such as shall thereafter be established by law, shall be appointed by the Governor, by and with the advice and consent of the Senate; and upon all nominations made by the Governor, the question shall be taken by the ayes and nays, and entered upon the journal.

ARTICLE XIV.—SEAT OF GOVERNMENT.

Permanent
location of seat
of government,
how chosen.

Section 1. The Legislature shall have no power to change or to locate the seat of government of this state; but the question of the permanent location of the seat of government of the state shall be submitted to the qualified electors of the territory, at the election to be held for the adoption of this constitution. A majority of all the votes cast at said election, upon said question, shall be necessary to determine the permanent location of the seat of government for the state; and no place shall ever be the seat of government which shall not receive a majority of the votes cast on that matter. In case there shall be no choice of location at said first election, the Legislature shall, at its first regular session after the adoption of this constitution, provide for submitting to the qualified electors of the state, at the next succeeding general election

thereafter, the question of choice of location between the three places for which the highest number of votes shall have been cast at the said first election. Said Legislature shall provide further that in case there shall be no choice of location at said second election, the question of choice between the two places for which the highest number of votes shall have been cast, shall be submitted in like manner to the qualified electors of the state at the next ensuing general election: **Provided, That** ^{Temporary seat.} until the seat of government shall have been permanently located as herein provided, the temporary location thereof shall remain at the city of Olympia.

Sec. 2. When the seat of government shall have been located as herein provided, the location thereof shall not thereafter be changed except by a vote of two-thirds of all the qualified electors of the state voting on that question, at a general election, at which the question of location of the seat of government shall have been submitted by the Legislature. ^{How changed.}

Sec. 3. The Legislature shall make no appropriations or expenditures for capitol buildings or grounds, except to keep the territorial capitol buildings and grounds in repair, and for making all necessary additions thereto, until the seat of government shall have been permanently located, and the public buildings are erected at the permanent capitol in pursuance of law. ^{Capitol building.}

ARTICLE XV.—HARBORS AND TIDE WATERS.

Section 1. The Legislature shall provide for the appointment of a commission whose duty it shall be to locate and establish harbor lines in the navigable waters of all harbors, estuaries, bays, and inlets of this state, wherever such navigable waters lie within or in front of the corporate limits of any city or within one mile thereof upon either side. The state shall never give sell, or lease to any private person, corporation, or association any rights whatever in the waters beyond such harbor lines, nor shall any of the area lying between any harbor line and the line of ordinary high tide, and within not less than fifty feet nor more than 600 feet of such harbor line (as the commissioners shall determine) be sold or granted by the state, nor its right to control the same relinquished, but such area shall be forever reserved for landings, wharves, streets, and other conveniences of navigation and commerce. ^{Harbor line commission.} ^{Areas reserved for wharves and landings.}

Sec. 2. The Legislature shall provide general laws for the leasing of the right to build and maintain wharves, docks, and other structures upon the areas mentioned in section 1 of this article, but no lease shall be made for any term longer than thirty years, or the Legislature may provide by general laws for the building and maintaining upon such area, wharves, docks, and other structures. ^{Leasing of sites for wharves and docks.}

Sec. 3. Municipal corporations shall have the right to extend

their streets over intervening tide lands to and across the area reserved as herein provided.

ARTICLE XVI.—SCHOOL AND GRANTED LANDS.

Shall not be sold at less than market value.

Section 1. All the public lands granted to the state are held in trust for all the people, and none of such lands, nor any estate or interest therein, shall ever be disposed of unless the full market value of the estate or interest disposed of, to be ascertained in such manner as may be provided by law, be paid or safely secured to the state; nor shall any lands which the state holds by grant from the United States (in any case in which the manner of disposal and minimum price are so prescribed) be disposed of except in the manner and for at least the price prescribed in the grant thereof, without the consent of the United States.

Lands for educational purposes sold to highest bidder at public auction.

Sec. 2. None of the lands granted to the state for educational purposes shall be sold otherwise than at public auction to the highest bidder. The value thereof, less the improvements, shall, before the sale, be appraised by a board of appraisers, to be provided by law, the terms of payment also to be prescribed by law, and no sale shall be valid unless the sum bid be equal to the appraised value of said land. In estimating the value of said lands for disposal, the value of the improvements thereon shall be excluded: Provided, That the sale of all school and university land heretofore made by the commissioners of any county or the university commissioners, when the purchase price has been paid in good faith, may be confirmed by the Legislature.

School lands, how sold.

Sec. 3. No more than one-fourth of the land granted to the state for educational purposes shall be sold prior to January 1, 1895, and not more than one-half prior to January 1, 1905: Provided, That nothing herein shall be construed as to prevent the state from selling the timber or stone off of any of the state lands in such manner and on such terms as may be prescribed by law: And provided further, That no sale of timber lands shall be valid unless the full value of such lands is paid or secured to the state.

Subdivision of.

Sec. 4. No more than one hundred and sixty (160) acres of any granted lands of the state shall be offered for sale in one parcel, and all lands within the limits of any incorporated city, or within two miles of the boundary of any incorporated city, where the valuation of such lands shall be found by appraisement to exceed one hundred dollars (\$100) per acre, shall, before the same be sold, be platted into lots and blocks of not more than five acres in a block, and not more than one block shall be offered for sale in one parcel.

Investment of funds.

Sec. 5. None of the permanent school fund shall ever be loaned to private persons or corporations, but it may be invested in national, state, county, or municipal bonds.

ARTICLE XVII.—TIDE LANDS.

Section 1. The State of Washington asserts its ownership ^{Claim of state.} to the beds and shores of all navigable waters in the state up to and including the line of ordinary high tide, in waters where the tide ebbs and flows, and up to and including the line of ordinary high water within the banks of all navigable rivers and lakes: Provided, That this section shall not be construed so as to debar any person from asserting his claim to vested rights in the courts of the state.

Sec. 2. The State of Washington disclaims all title in and ^{Ownership dis-} claim to all tide, swamp, and overflowed lands patented by the ^{claimed to cer-} United States: Provided, The same is not impeached for fraud. ^{tain lands.}

ARTICLE XVIII.—STATE SEAL.

Section 1. The seal of the State of Washington shall be a ^{Design of.} seal encircled with the words: "The seal of the State of Washington," with the vignette of Gen. George Washington as the central figure, and beneath the vignette the figures "1889."

ARTICLE XIX.—EXEMPTIONS.

Section 1. The Legislature shall protect by law from forced ^{Homestead.} sale a certain portion of the homestead and other property of all heads of families.

ARTICLE XX.—PUBLIC HEALTH AND VITAL STATISTICS.

Section 1. There shall be established by law a state board ^{Board of} of health and a bureau of vital statistics in connection there- ^{health.} with, with such powers as the Legislature may direct.

Sec. 2. The Legislature shall enact laws to regulate the ^{Practice of} practice of medicine and surgery, and the sale of drugs and ^{medicine.} medicines.

ARTICLE XXI.—WATER AND WATER RIGHTS.

Section 1. The use of the waters of the state for irrigation, mining, and manufacturing purposes shall be deemed a public ^{Water rights.} use.

ARTICLE XXII.—LEGISLATIVE APPORTIONMENT.

Section 1. Until otherwise provided by law, the state shall ^{First appor-} be divided into twenty-four (24) senatorial districts, and said ^{tionment, sen-} districts shall be constituted and numbered as follows: The ^{atorial dis-} counties of Stevens and Spokane shall constitute the first dis- ^{tricts.} trict, and be entitled to one senator; the county of Spokane shall constitute the second district, and be entitled to three senators; the county of Lincoln shall constitute the third district, and be entitled to one senator; the counties of Okanogan, Lincoln, Adams, and Franklin shall constitute the fourth district, and be entitled to one senator; the county of Whitman shall constitute the fifth district, and be entitled to three senators; the counties of Garfield and Asotin shall constitute the

sixth district, and be entitled to one senator; the county of Columbia shall constitute the seventh district, and be entitled to one senator; the county of Walla Walla shall constitute the eighth district, and be entitled to two senators; the counties of Yakima and Douglas shall constitute the ninth district, and be entitled to one senator; the county of Kittitas shall constitute the tenth district, and be entitled to one senator; the counties of Klickitat and Skamania shall constitute the eleventh district, and be entitled to one senator; the county of Clarke shall constitute the twelfth district, and be entitled to one senator; the county of Cowlitz shall constitute the thirteenth district, and be entitled to one senator; the county of Lewis shall constitute the fourteenth district, and be entitled to one senator; the counties of Pacific and Wahkiakum shall constitute the fifteenth district, and be entitled to one senator; the county of Thurston shall constitute the sixteenth district, and be entitled to one senator; the county of Chehalis shall constitute the seventeenth district, and be entitled to one senator; the county of Pierce shall constitute the eighteenth district, and be entitled to three senators; the county of King shall constitute the nineteenth district, and be entitled to five senators; the counties of Mason and Kitsap shall constitute the twentieth district, and be entitled to one senator; the counties of Jefferson, Clallam, and San Juan shall constitute the twenty-first district, and be entitled to one senator; the county of Snohomish shall constitute the twenty-second district, and shall be entitled to one senator; the counties of Skagit and Island shall constitute the twenty-third district, and be entitled to one senator; the county of Whatcom shall constitute the twenty-fourth district, and be entitled to one senator.

First apportionment, representative districts.

Sec. 2. Until otherwise provided by law, the representatives shall be divided among the several counties of the state in the following manner: The county of Adams shall have one representative; the county of Asotin shall have one representative; the county of Chehalis shall have two representatives; the county of Clarke shall have three representatives; the county of Clallam shall have one representative; the county of Columbia shall have two representatives; the county of Cowlitz shall have one representative; the county of Douglas shall have one representative; the county of Franklin shall have one representative; the county of Garfield shall have one representative; the county of Island shall have one representative; the county of Jefferson shall have two representatives; the county of King shall have eight representatives; the county of Klickitat shall have two representatives; the county of Kittitas shall have two representatives; the county of Kitsap shall have one representative; the county of Lewis shall have two representatives; the county of Lincoln shall have two representatives; the county

of Mason shall have one representative; the county of Okanogan shall have one representative; the county of Pacific shall have one representative; the county of Pierce shall have six representatives; the county of San Juan shall have one representative; the county of Skamania shall have one representative; the county of Snohomish shall have two representatives; the county of Skagit shall have two representatives; the county of Spokane shall have six representatives; the county of Stevens shall have one representative; the county of Thurston shall have two representatives; the county of Walla Walla shall have three representatives; the county of Wahkiakum shall have one representative; the county of Whatcom shall have two representatives; the county of Whitman shall have five representatives; the county of Yakima shall have one representative.

ARTICLE XXIII.—AMENDMENTS.

Section 1. Any amendment or amendments to this constitution may be proposed in either branch of the Legislature, and if the same shall be agreed to by two-thirds of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the ayes and noes thereon, and be submitted to the qualified electors of the state for their approval, at the next general election, and if the people approve and ratify such amendment or amendments, by a majority of the electors voting thereon, the same shall become part of this constitution, and proclamation thereof shall be made by the Governor: Provided, That if more than one amendment be submitted, they shall be submitted in such a manner that the people may vote for or against such amendments separately. The Legislature shall also cause the amendments that are to be submitted to the people to be published for at least three months next preceding election, in some weekly newspaper in every county where a newspaper is published throughout the state.

State constitution, how amended.

Sec. 2. Whenever two-thirds of the members elected to each branch of the Legislature shall deem it necessary to call a convention to revise or amend this constitution, they shall recommend to the electors to vote at the next general election for or against a convention, and if a majority of all the electors voting at said election shall have voted for a convention, the Legislature shall, at the next session, provide by law for calling the same; and such convention shall consist of a number of members not less than that of the most numerous branch of the Legislature.

Convention to amend constitution, how called.

Sec. 3. Any constitution adopted by such convention shall have no validity until it has been submitted to and adopted by the people.

Voters must ratify.

ARTICLE XXIV.—BOUNDARIES.

Section 1. The boundaries of the State of Washington shall be as follows: Beginning at a point in the Pacific ocean one

Boundaries of state defined.

marine league due west of and opposite the middle of the mouth of the north ship channel of the Columbia river, thence running easterly to and up the middle channel of said river and where it is divided by islands up the middle of the widest channel thereof to where the forty-sixth parallel of north latitude crosses said river, near the mouth of the Walla Walla river; thence east on said forty-sixth parallel of latitude to the middle of the main channel of the Shoshone or Snake river; thence follow down the middle of the main channel of Snake river to a point opposite the mouth of the Kooskooskia or Clear Water river; thence due north to the forty-ninth parallel of north latitude; thence west along said forty-ninth parallel of north latitude to the middle of the channel which separates Vancouver's Island from the continent, that is to say to a point in longitude 123 degrees, 19 minutes and 15 seconds west; thence following the boundary line between the United States and British possessions through the channel which separates Vancouver's Island from the continent to the termination of the boundary line between the United States and British possessions at a point in the Pacific ocean equi-distant between Bonnilla point on Vancouver's Island and Tatoosh Island lighthouse; thence running in a southerly course and parallel with the coast line, keeping one marine league off shore, to place of beginning.

ARTICLE XXV.—JURISDICTION.

United States
to have juris-
diction over
certain tracts
and parcels of
land.

Section 1. The consent of the State of Washington is hereby given to the exercise, by the congress of the United States of exclusive legislation in all cases whatsoever over such tracts or parcels of land as are now held or reserved by the government of the United States for the purpose of erecting or maintaining thereon forts, magazines, arsenals, dockyards, lighthouses, and other needful buildings, in accordance with the provisions of the seventeenth paragraph of the eighth section of the first article of the constitution of the United States, so long as the same shall be so held and reserved by the United States: Provided, That a sufficient description by metes and bounds, and an accurate plat or map of each such tract or parcel of land be filed in the proper office of record in the county in which the same is situated, together with copies of the orders, deeds, patents, or other evidences in writing of the title of the United States: And provided, That all civil process issued from the courts of this state, and such criminal process as may issue under the authority of this state, against any person charged with crime in cases arising outside of such reservations, may be served and executed thereon in the same mode and manner, and by the same officers, as if the consent herein given had not been made.

Exception.

ARTICLE XXVI.—COMPACT WITH THE UNITED STATES.

The following ordinance shall be irrevocable without the con-

sent of the United States and the people of this state:

First: That perfect toleration of religious sentiment shall be secured, and that no inhabitant of this state shall ever be molested in person or property on account of his or her mode of religious worship. Religious toleration guaranteed.

Second: That the people inhabiting this state do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries of this state, and to all lands lying within said limits owned or held by any Indian or Indian tribes; and that, until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States, and that the lands belonging to citizens of the United States residing without the limits of this state shall never be taxed at a higher rate than the lands belonging to residents thereof, and that no taxes shall be imposed by the state on lands or property therein belonging to or which may be hereafter purchased by the United States or reserved for use: Provided, That nothing in this ordinance shall preclude the state from taxing, as other lands are taxed, any lands owned or held by any Indian who has severed his tribal relation, and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of Congress containing a provision exempting the lands thus granted from taxation, which exemption shall continue so long and to such an extent as such act of Congress may prescribe. Rights to unappropriated public lands disclaimed.

Third: The debts and liabilities of the Territory of Washington, and payment of the same, are hereby assumed by this state. Debts of territory assumed.

Fourth: Provision shall be made for the establishment and maintenance of systems of public schools free from sectarian control, which shall be open to all the children of said state. System of public schools guaranteed.

ARTICLE XXVII.—SCHEDULE.

In order that no inconvenience may arise by reason of a change from territorial to a state government, it is hereby declared and ordained as follows:

Section 1. No existing rights, actions, suits, proceedings, contracts, or claims shall be affected by a change in the form of government, but all shall continue as if no change had taken place; and all process which may have been issued under the authority of the Territory of Washington previous to its admission into the Union shall be as valid as if issued in the name of the state.

Sec. 2. All laws now in force in the Territory of Washington, which are not repugnant to this constitution, shall remain in force until they expire by their own limitation, or are altered or Laws of territory of Washington valid.

repealed by the Legislature: Provided, That this section shall not be so construed as to validate any act of the Legislature of Washington Territory granting shore or tide lands to any person, company, or any municipal or private corporation.

Debts, fines,
etc., inure to
state.

Sec. 3. All debts, fines, penalties, and forfeitures, which have accrued, or may hereafter accrue, to the Territory of Washington, shall inure to the State of Washington.

Recognizances
taken under
territorial gov-
ernment valid
under state
government.

Sec. 4. All recognizances heretofore taken, or which may be taken before the change from a territorial to a state government, shall remain valid, and shall pass to and may be prosecuted in the name of the state, and all bonds executed to the Territory of Washington, or to any county or municipal corporation, or to any officer or court in his or its official capacity, shall pass to the state authorities and their successors in office, for the uses therein expressed, and may be used for and recovered accordingly, and all the estate, real, personal, and mixed, and all judgments, decrees, bonds, specialties, choses in action, and claims or debts, of whatever description, belonging to the Territory of Washington, shall inure to and vest in the State of Washington, and may be sued for and recovered in the same manner, and to the same extent by the State of Washington, as the same could have been by the Territory of Washington.

Penal actions.

Sec. 5. All criminal prosecutions and penal actions which may have arisen, or which may arise, before the change from a territorial to a state government, and which shall be pending, shall be prosecuted to judgment and execution in the name of the state. All offenses committed against the laws of the Territory of Washington, before the change from a territorial to state government, and which shall not be prosecuted before such change, may be prosecuted in the name and by the authority of the State of Washington, with like effect as though such change had not taken place; and all penalties incurred shall remain the same as if this constitution had not been adopted. All actions at law and suits in equity which may be pending in any of the courts of the Territory of Washington, at the time of the change from a territorial to a state government, shall be continued and transferred to the court of the state having jurisdiction of the subject matter thereof.

Public officers.

Sec. 6. All officers now holding their office under the authority of the United States, or of the Territory of Washington, shall continue to hold and exercise their respective offices until they shall be superseded by the authority of the state.

First election
of officers.

Sec. 7. All officers provided for in this constitution, including a county clerk for each county, when no other time is fixed for their election, shall be elected at the election to be held for the adoption of this constitution on the first Tuesday of October, 1889.

Sec. 8. Whenever the judge of the superior court of any county, elected or appointed under the provisions of this constitution, shall have qualified, the several causes then pending in the district court of the territory, except such causes as would have been within the exclusive jurisdiction of the United States District Court, had such court existed at the time of the commencement of such causes within such county, and the records, papers and proceedings of said district court, and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the superior court for such county. And where the same judge is elected for two or more counties, it shall be the duty of the clerk of the district court having custody of such papers and records to transmit to the clerk of such county or counties, other than that in which such records are kept, the original papers in all cases pending in such district court and belonging to the jurisdiction of such county or counties, together with transcript of so much of the records of said district court as relate to the same; and until the district courts of the territory shall be superseded in manner aforesaid, the said district courts and the judges thereof shall continue with the same jurisdiction and powers, to be exercised in the same judicial districts, respectively, as heretofore constituted under the laws of the territory. Whenever a quorum of the judges of the Supreme Court of the state shall have been elected and qualified, the causes then pending in the Supreme Court of the Territory, except such causes as would have been within the exclusive jurisdiction of the United States Circuit Court, had such court existed at the time of the commencement of such causes, and the papers, records and proceedings of said court, and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the Supreme Court of the state, and until so superseded, the Supreme court of the territory and the judges thereof shall continue with like powers and jurisdiction as if this constitution had not been adopted.

Sec. 9. Until otherwise provided by law, the seal now in use in the Supreme Court of the territory shall be the seal of the Supreme Court of the state. The seals of the Superior Courts of the several counties of the state shall be, until otherwise provided by law, the vignette of General George Washington, with the words: "Seal of the Superior Court of County," surrounding the vignette. The seal of municipalities, and all county officers of the territory, shall be the seals of such municipalities and county officers, respectively, under the state, until otherwise provided by law.

Sec. 10. When the state is admitted into the Union, and the Superior Courts in the respective counties organized, the books, records, papers and proceedings of the probate court in each

Courts, transfer of cases.

Court seals.

Probate court cases to be transferred to superior court.



county, and all causes and matters of administration pending therein, shall, upon the expiration of the term of office of the probate judges, on the second Monday in January, 1891, pass into the jurisdiction and possession of the Superior Court of the same county created by this constitution, and the said court shall proceed to final judgment or decree, order or other determination, in the several matters and causes as the territorial probate court might have done if this constitution had not been adopted. And until the expiration of the term of office of the probate judges, such probate judges shall perform the duties now imposed upon them by the laws of the territory. The Superior Courts shall have appellate and revisory jurisdiction over the decisions of the probate courts, as now provided by law, until such latter courts expire by limitation.

Sec. 11. The Legislature, at its first session, shall provide for the election of all officers whose election is not provided for elsewhere in this constitution, and fix the time for commencement and duration of their term.

Contests at
first election.

Sec. 12. In case of a contest of election between candidates, at the first general election under this constitution, for judges of the Superior Courts, the evidence shall be taken in the manner prescribed by the territorial laws, and the testimony so taken shall be certified to the Secretary of State; and said officer, together with the Governor and Treasurer of State, shall review the evidence and determine who is entitled to the certificate of election.

Representa-
tive in con-
gress.

Sec. 13. One representative in the Congress of the United States shall be elected from the state at large, at the first election provided for in this constitution; and thereafter at such times and places and in such manner as may be prescribed by law. When a new apportionment shall be made by Congress, the Legislature shall divide the state into congressional districts, in accordance with such apportionment. The vote cast for representative in Congress, at the first election, shall be canvassed and the result determined in the manner provided for by the laws of the territory for the canvass of the vote for delegate in Congress.

District, coun-
ty and precinct
officers to hold
office until
1891.

Sec. 14. All district, county, and precinct officers, who may be in office at the time of the adoption of this constitution, and the county clerk of each county elected at the first election, shall hold their respective offices until the second Monday of January, A. D. 1891, and until such time as their successors may be elected and qualified, in accordance with the provisions of this constitution; and the official bond of all such officers shall continue in full force and effect as though this constitution had not been adopted. And such officers shall continue to receive the compensation now provided until the same be changed by law.

Sec. 15. The election held at the time of the adoption of this constitution shall be held and conducted in all respects according

to the laws of the territory, and the votes cast at said election for all officers (where no other provisions are made in this constitution), and for the adoption of this constitution and the several separate articles, and the location of the state capitol, shall be canvassed and returned in the several counties in the manner provided by territorial law, and shall be returned to the Secretary of the Territory in the manner provided by the enabling act.

Election to adopt constitution, how conducted.

Sec. 16. The provisions of this constitution shall be in force from the day on which the president of the United States shall issue his proclamation declaring the State of Washington admitted into the Union, and the terms of all officers elected at the first election under the provisions of this constitution shall commence on the Monday next succeeding the issue of said proclamation, unless otherwise provided herein.

State constitution in effect, when.

Sec. 17. The following separate articles shall be submitted to the people for adoption or rejection at the election for the adoption of this constitution: Separate article No. 1: "All persons, male and female, of the age of 21 years, or over, possessing the other qualifications provided by this constitution, shall be entitled to vote at all elections." Separate article No. 2: "It shall not be lawful for any individual, company, or corporation, within the limits of this state, to manufacture, or cause to be manufactured, or to sell, or offer for sale, or in any manner dispose of any alcoholic, malt, or spirituous liquors, except for medicinal, sacramental or scientific purposes." If a majority of the ballots cast at said election on said separate articles be in favor of the adoption of either of said separate articles, then such separate articles so receiving a majority shall become a part of this constitution and shall govern and control any provision of the constitution in conflict therewith.

Separate articles submitted.

Female suffrage.

Prohibition article.

Sec. 18. The form of ballot to be used in voting for or against this constitution, or for or against the separate articles, or for the permanent location of the government, shall be:

Form of ballot.

1. For the Constitution.
Against the Constitution.
2. For Woman Suffrage Article.
Against Woman Suffrage Article.
3. For Prohibition Article.
Against Prohibition Article.
4. For the permanent location of the seat of government.

(Name of place voted for.)

Sec. 19. The Legislature is hereby authorized to appropriate from the state treasury sufficient money to pay any of the expenses of this constitution not provided for by the enabling act of Congress.

Appropriation authorized to pay deficiency.

CERTIFICATE.

We, the undersigned, members of the convention to form a constitution for the State of Washington, which is to be sub-



CONSTITUTION.

mitted to the people for their adoption or rejection, do hereby declare this to be the constitution formed by us, and in testimony thereof, do hereunto set our hands, this twenty-second day of August, anno domini, one thousand eight hundred and eighty-nine.

JOHN P. HOYT, President

J. J. BROWNE,
N. G. BLALOCK,
JOHN F. GOWEY,
FRANK M. DALLAM,
JAMES Z. MOORE,
E. H. SULLIVAN,
GEORGE TURNER,
AUSTIN MIERS,
M. M. GODMAN,
GWIN HICKS,
WM. F. PROSSER,
LOUIS SOHNS,
A. A. LINDSLEY,
J. J. WEISENBURGER,
P. C. SULLIVAN,
R. S. MORE,
THOMAS T. MINOR,
J. J. TRAVIS,
ARNOLD J. WEST,
CHARLES T. FAY,
CHARLES P. COEY,
ROBT F. STURDEVANT,
JOHN A. SHOUDY,
ALLEN WEIR,
W. B. GRAY,
TRUSTEN P. DYER,
GEO. H. JONES,
B. L. SHARPSTEIN,
H. M. LILLIS,
J. F. VAN NAME,
ALBERT SCHOOLEY,
H. C. WILLISON,
T. M. REED,
S. H. MANLY,
RICHARD JEFFS,

FRANCIS HENRY,
GEORGE COMEGYS,
OLIVER H. JOY,
DAVID E. DURIE,
D. BUCHANAN,
JOHN R. KINNENAR,
GEORGE W. TIBBETTS,
H. W. FAIRWEATHER,
THOMAS C. GRIFFITHS,
C. H. WARNER,
J. P. T. MCCROSKEY,
S. G. COSGROVE,
THOS. HAYTON,
SAM'L H. BERRY,
D. J. CROWLEY,
J. T. McDONALD,
JOHN M. REED,
EDWARD ELDRIDGE,
GEO. H. STEVENSON,
SILVIUS A. DICKEY,
HENRY WINSOR,
THEODORE L. STILES,
JAMES A. BURK,
JOHN MCREAVY,
R. O. DUNBAR,
MORGAN MORGANS,
JAMES POWER,
B. B. GLASCOCK,
O. A. BOWEN,
HARRISON CLOTHIER,
MATT C. McELROY,
J. T. ESHELMAN,
ROBERT JAMIESON,
HIRAM E. ALLEN,
H. F. SUKSDORF,
J. C. KELLOGG.

Attest:

JNO. I. BOOGE, Chief Clerk

Attest

Constitutional Amendments.

AMENDMENT 1.

Art. 16. Sec. 5. Investment of School Fund.—None of the permanent school fund of this state shall ever be loaned to private persons or corporations, but it may be invested in national, state, county, municipal, or school district bonds.

Adopted November, 1894.

AMENDMENT 2.

Art. 6. Sec. 1. Qualifications of Voters.—All male persons of the age of twenty-one years or over, possessing the following qualifications, shall be entitled to vote at all elections: They shall be citizens of the United States; they shall have lived in the state one year, and in the county ninety days, and in the city, town, ward, or precinct thirty days immediately preceding the election at which they offer to vote; they shall be able to read and speak the English language: Provided, That Indians not taxed shall never be allowed the elective franchise: And further provided, That this amendment shall not affect the right of franchise of any person who is now a qualified elector of this state. The Legislature shall enact laws defining the manner of ascertaining the qualifications of voters as to their ability to read and speak the English language, and providing for punishment of persons voting or registering in violation of the provisions of this section.

Approved November, 1896.

AMENDMENT 3.

Art. 7, Sec. 2, was amended by adding the following proviso: "And provided further, That the Legislature shall have power, by appropriate legislation, to exempt personal property to the amount of \$300 for each head of a family liable to assessment and taxation under the provisions of the laws of this state of which the individual is the actual bona fide owner."

Approved November, 1900.

Nov 11

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